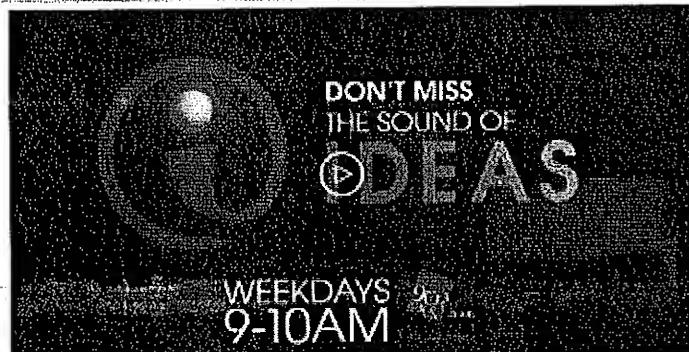


## Where to access internship resources

The Cleveland Internship Summit is one component of the Greater Cleveland Partnership's Internship Central portfolio of resources to assist both employers and students who are trying to manage their internship experiences.

GCP Internship Central was created to be a "one-stop shop" for employers and students who recognize the value of internships and other out-of-school learning experiences but need some aid navigating through the process.

Visit our blog at [InternshipCentral.GCPartnership.com](http://InternshipCentral.GCPartnership.com) where you'll find information on how to start an internship program, manage internships, experiential best practices and much more.



### In case you missed it: Internship Summit media coverage

Prior to the event, "The Sound of Ideas" on 90.3 WCPN featured a segment about the Greater Cleveland Partnership's Internship Central initiative and the Internship Summit with:

- Shana Marbury, Vice President of Strategic Initiatives, Greater Cleveland Partnership
- Jessica Colombi, Director, Career Services, Cleveland State University
- Samuel Braun, Development Associate, Neighborhood Family Practice
- Nneka Maceo, Cleveland State University Graduate, Former Intern

### Click to listen.

As part of ideastream's "Listening Project," D several summit participants were interviewed during the event.

[Click to listen.](#)



#### **Input needed on a potential new talent offering for our members**

Talent is one of the largest issues that businesses face. Both attracting and retaining a qualified workforce is a top priority.

One specific piece of the talent equation—dual-career families—is sometimes a challenge to the success of employee relocations to a new market.

The Greater Cleveland Partnership is working to determine if there is value for our members in a potential new service—a Dual Career Network—for dual-career families and “trailing spouses.”

The network would help the spouses/partners of relocated employees with their local job search. Members of the network would host networking events with recruiters from GCP-member companies.

#### **Join our focus group discussion**

The GCP is convening a focus group around the Dual Career Network concept on **Wednesday, February 22** from 8:30 to 10:30 a.m. at the GCP offices, 1240 Huron Road East in Playhouse Square. It is open to our member-company CEOs and/or VPs of human resources, talent or workforce development.

If you are interested in attending, please RSVP to Shana Marbury at [smarbury@gcpartnership.com](mailto:smarbury@gcpartnership.com) or 216.592.2249.

[Read more.](#)

## **Emerging leaders wanted for GCP LEAD; nomination deadline extended**

We are accepting nominations of emerging leaders from Greater Cleveland Partnership member companies for the 2017 GCP LEAD Cohort 2. The deadline for nominations has been extended to Monday, February 27.

GCP LEAD (Link. Engage. Advocate. Develop.) was created because the GCP recognizes the importance of cultivating our region's future business and community leaders through becoming engaged in the GCP's work.

The GCP LEAD group will be an exclusive cohort of emerging leaders from member companies with at least five years of professional experience and an interest in getting involved in the areas of economic development, education and workforce, advocacy, diversity and inclusion, business development, or physical development.

### **Learn more.**

## **Learn strategies to stay ahead of your competition**

How can middle-market companies stay ahead in increasingly fast-paced and global competitive environments?

Please join us on Thursday, February 23 at our first middle-market forum of 2017 where thought leaders Peter Grimm (photo left) and Beau Oliver (photo right) of Cipher Systems will engage attendees in an insightful discussion on how companies and organizations can incorporate out-of-the-box thinking to better understand their markets, identify opportunities, and drive innovation.

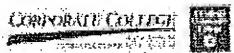


### **Click to read more about them.**

Our program on "Innovation and Competitive Intelligence" will be held from 7:30 to 9 a.m. at the GCP Offices, 1240 Huron Road East in Playhouse Square.

**Click to register**

Sponsored by



## COMMISSION ON ECONOMIC INCLUSION

Online Diversity Assessment now available

The Commission on Economic Inclusion's new online Diversity & Inclusion Organization Assessment can now be accessed for completion.

It is available to all Greater Cleveland Partnership members as a benefit of membership. We encourage you to take advantage of this great opportunity!

Employers who complete the Assessment will receive immediate feedback upon making their final submission, along with suggested resources that can be useful for internal diversity and inclusion strategic planning.

If you have previously completed the survey and have not received your confidential link and password, or if your organization is interested in completing the Assessment for the first time, please contact Scott Harrington at [sharrington@gcpartnership.com](mailto:sharrington@gcpartnership.com) or 216.592.2213.

[Read more.](#)

*The Commission on Economic Inclusion is a program of the Greater Cleveland Partnership.*



## TECH WEEK

Apply now for the 2017 Best of Tech Awards

Applications are now open for OHTec's 2017 Best of Tech Awards, which will be presented on Thursday, April 27 as part of 2017 Tech Week.

The awards, which have been presented for the past 11 years, recognize successful companies, innovative products and inspirational leadership.

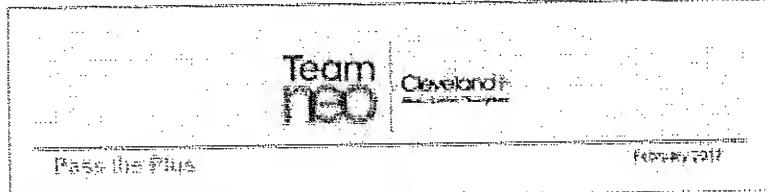
The deadline to complete your application is Friday, March 3. Finalists will be announced on Friday March 24, and winners will be honored at the Best of Tech Awards Dinner on April 27.

[Learn more.](#)

**Sponsored by**



*OHTec is a program of the Greater Cleveland Partnership.*



**Share the positive: Pass the Plus!**

You can read positive news about Cleveland and Northeast Ohio in the monthly "Pass the Plus" e-newsletter.

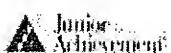
In this month's issue of "Pass the Plus," read how NASA Glenn's Plum Brook Station in Sandusky is serving as a key testing ground for the space agency's latest aviation experiments and technologies.

[\*\*Click to read the newsletter.\*\*](#)

[\*\*Click to subscribe\*\*](#) and start sharing our region's good news with your networks of colleagues, friends and family.

*"Pass the Plus" is a Cleveland Plus/Team NEO free monthly e-newsletter that provides informative news and information related to the many positive developments shaping Northeast Ohio.*

*Cleveland Plus and Team NEO are part of the economic development system that the GCP helped to create and continues to support.*



## **JA Career Success Day! Friday, February 24<sup>th</sup>**

Junior Achievement is seeking business professionals and community members to help high school freshmen define and refine their interpersonal and employability skills while sharing information about themselves and their career path.



### **Business volunteers needed for JA Career Success Day**

Junior Achievement (JA) is seeking business professionals and community members to help high school freshmen define and refine their interpersonal and employability skills while sharing information about themselves and their career path.

During JA Career Success Day on Friday, February 24, volunteers will spend the day in the classroom using interactive lessons provided by JA to prepare students for success in tomorrow's workplace.

There are volunteer opportunities from 8 a.m. to 2:30 p.m. at these Cleveland Metropolitan School District Academies of Cleveland high schools: Garrett Morgan, Jane Addams, Max S. Hayes, Martin Luther King Jr., and Washington Park.

For more information, contact Marc Malleske, JA program coordinator, at [mmalleske@jacleveland.org](mailto:mmalleske@jacleveland.org) or 216.861.8080.

### Our External Partners



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**Sent:** Tuesday, February 14, 2017 8:05 AM  
**To:** Rep76  
**Subject:** Shifty business: News from Policy Matters



Like

# Policy Matters Ohio



Governor Kasich unveiled his budget two weeks ago and we've found some major problems. As the busy budget season ramps up, we'll monitor the twists and turns and speak up to defend everyday Ohioans. So far, we've released analysis about Kasich's regressive tax shift plan, met with community leaders and testified before lawmakers.

**Stop the tax shift:** The first thing we noticed about the governor's budget is that it calls for big cuts to the income tax while increasing the sales tax. With some tiny exceptions, the budget underinvests in almost every important public need. With help from the Institute on Taxation and Economic Policy, we point out that the governor's plan will have the richest paying a lot less while many of the rest of us pay more. Research Director Zach Schiller explains it all in a blog, an op-ed for the Cincinnati Enquirer and on The State of Ohio TV show.

**All state budget cuts are local:** Governor Kasich's budget signals more hardship for local governments that have already lost millions from the state since 2010. That's devastating news for Lorain Mayor Chase Ritenauer and City Councilmember Angel Arroyo Jr., who met with Policy Matters Outreach Coordinator Daniel Ortiz. Since Kasich took office, Lorain has lost \$3 million a year. Mayor Ritenauer says that means fewer police officers, older equipment and more local tax increases.

**The truth about transit:** Senior Project Director Wendy Patton testified before the House Finance Subcommittee on Transportation last week. She said the

governor's budget packs a one-two punch to Ohio transit agencies. First, Kasich's plan severely underfunds transit. Second, he fails to find a long-term solution to the loss of millions in sales tax revenue.

**Eye on D.C.: In the Akron Beacon Journal**, our director Amy Hanauer took a closer look at Andrew Puzder, a northeast Ohio native who President Trump nominated to run the U.S. Department of Labor. Hanauer reviews Puzder's labor law violations, his sexist advertising, and his scornful statements about workers. Click [here](#) to tell Senators Portman and Brown to vote against this anti-labor secretary.

[Read this e-news online](#)

Policy Matters Ohio, Columbus, 43215, Cleveland, OH 44114

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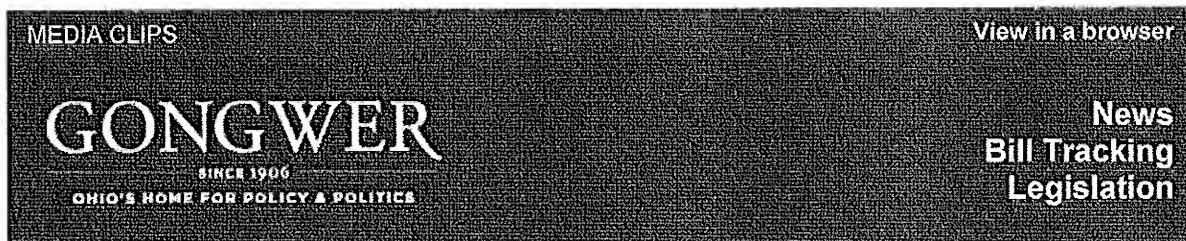
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**To:** DL\_Gongwer  
**Subject:** Ohio Media Clips, Tuesday, February 14



## NEWS

**Election, Women's March prompt women of color to seek office**  
(Associated Press, 2/14/2017)

**How young is too young? 36,000 elementary school suspensions**  
(Cincinnati Enquirer, 2/14/2017)

**Kasich: Enough with the 'Rust Belt'** (Cincinnati Enquirer, 2/14/2017)

**'Right-to-work' bill introduced in Ohio House** (Cleveland Plain Dealer, 2/14/2017)

**Josh Mandel, gearing up for 2018 Senate run, has recruited campaign leaders in all 88 Ohio counties** (Cleveland Plain Dealer, 2/14/2017)

**Learn how much a new college savings proposal in Ohio could save you**  
(Cleveland Plain Dealer, 2/14/2017)

**Ohio Gov. John Kasich wants Sandusky to host this year's State of the State address** (Cleveland Plain Dealer, 2/14/2017)

**That time President Donald Trump crashed a Lindner's wedding: Ohio Politics Roundup** (Cleveland Plain Dealer, 2/14/2017)

**Kasich to give State of State in home of roller coasters and merry-go-rounds (Columbus Dispatch, 2/14/2017)**

**Statehouse maneuvering: Householder wants off committees (Columbus Dispatch, 2/14/2017)**

**The Daily Briefing: Former congressman, state lawmaker form lobbying firm (Columbus Dispatch, 2/14/2017)**

**The Daily Briefing: Trump's first presidential visit to Ohio canceled (Columbus Dispatch, 2/14/2017)**

**Your Right to Know: Drug-death records would be secret (Columbus Dispatch, 2/14/2017)**

**China shipments fuel local drug trade (Dayton Daily News, 2/14/2017)**

**Gov. Kasich looks to make big changes to K-12 schools (Dayton Daily News, 2/14/2017)**

**Ohio businesses set to cash in on pot (Dayton Daily News, 2/14/2017)**

**What do you want Gov. Kasich to focus on in 2017? (Dayton Daily News, 2/14/2017)**

**Bill to honor Walker hits House floor for 3rd time (Toledo Blade, 2/14/2017)**

**Kasich looks to deliver 2017 address in Sandusky (Toledo Blade, 2/14/2017)**

**Senators' registry bill moves forward (Toledo Blade, 2/14/2017)**

## **EDITORIALS**

**Judges do their job in checking the executive (Akron Beacon Journal, 2/14/2017)**

**Editorial: Funding concerns still exist for College Credit Plus program (Canton Repository, 2/14/2017)**

**Editorial: More needed to fight overdoses (Columbus Dispatch, 2/14/2017)**

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**Sent:** Tuesday, February 14, 2017 8:56 AM  
**To:** Westlake, Libby  
**Subject:** E-Clips for 2/14/2017

## HOUSE E-CLIPS

2/14/2017



### **LOBBYIST PUSHING INTERSTATE CONNECTING TOLEDO, COLUMBUS**

A transportation lobbyist says he hopes the Trump administration's promise to invest billions on infrastructure could revive long dormant plans to build an interstate between Toledo and Columbus.



### **HOUSE SPEAKER UNHAPPY THAT AMBITIOUS LARRY HOUSEHOLDER WANTS OFF COMMITTEES**

A lawmaker trying to resign from his recently approved committee assignments is unusual, especially for a freshman.

### **KASICH TO GIVE STATE OF STATE IN HOME OF ROLLER COASTERS AND MERRY-GO-ROUNDS**

With an up-and-down record of success dealing with his fellow Republicans in the Ohio legislature, perhaps it's appropriate that Gov. John Kasich deliver his annual State of the State speech near the Roller Coaster Capital of the World.

### **YOUR RIGHT TO KNOW: DRUG-DEATH RECORDS WOULD BE SECRET**

The administration of Gov. John Kasich is out to add exemption (gg) to the Ohio public records act.

### **THE DAILY BRIEFING: FORMER CONGRESSMAN, STATE LAWMAKER FORM LOBBYING FIRM**

A former congressman, the former state tax commissioner and the former No. 2 leader of the Ohio House have teamed up to form a new lobbying and consulting firm.



## **WHAT DO YOU WANT GOV. KASICH TO FOCUS ON IN 2017?**

Once again, Ohio Gov. John Kasich is taking his annual State of the State address to the General Assembly on the road, and this time he is asking lawmakers to travel to Sandusky for the event on April 4.

## **THE PLAIN DEALER**

### **JOSH MANDEL, GEARING UP FOR 2018 SENATE RUN, HAS RECRUITED CAMPAIGN LEADERS IN ALL 88 OHIO COUNTIES**

State Treasurer Josh Mandel, who continues to assemble an early-developing campaign operation for U.S. Senate in 2018, on Monday announced the names of campaign leaders in all 88 Ohio counties.

### **LEARN HOW MUCH A NEW COLLEGE SAVINGS PROPOSAL IN OHIO COULD SAVE YOU**

A proposal introduced in Ohio Senate last month could sharply increase state income tax savings for some people contributing to 529 Ohio college saving plans.

### **'RIGHT-TO-WORK' BILL INTRODUCED IN OHIO HOUSE**

Legislation that would make Ohio a "right-to-work" state is back, but it's unclear how far the controversial measure will go after voters rejected a prior effort to scale back public union bargaining rights.

### **THAT TIME PRESIDENT DONALD TRUMP CRASHED A LINDNER'S WEDDING: OHIO POLITICS ROUNDUP**

Youngstown is off for President Donald Trump. Sandusky is on for Gov. John Kasich. And Cliff Rosenberger finds a not-so-subtle way to show there's only one Ohio House speaker at a time.

## **THE ENQUIRER**

### **HOW YOUNG IS TOO YOUNG? 36,000 ELEMENTARY SCHOOL SUSPENSIONS**

Ohio schools dole out up to 36,000 suspensions to elementary students each year — a number that stunned a Republican lawmaker into seeking a ban on many suspensions and expulsions.

## **THE BLADE**

### **SENATORS' REGISTRY BILL MOVES FORWARD**

Under a bill about to be introduced, Ohio would join five states that require certain offenders with violent pasts to register their whereabouts, much as sex offenders are required to do.

## **KASICH LOOKS TO DELIVER 2017 ADDRESS IN SANDUSKY**

Sandusky had wanted Gov. John Kasich to deliver his final State of the State address as part of the city's bicentennial celebration in 2018, but it's more than happy to welcome him a year early.

**From:** Price, Ciara  
**Sent:** Tuesday, February 14, 2017 12:50 PM  
**To:** Livingston, Kevin  
**Subject:** LaTourette Meetings 2/14/2017

Hi Kevin –

Here's Rep. LaTourette's meetings for today:

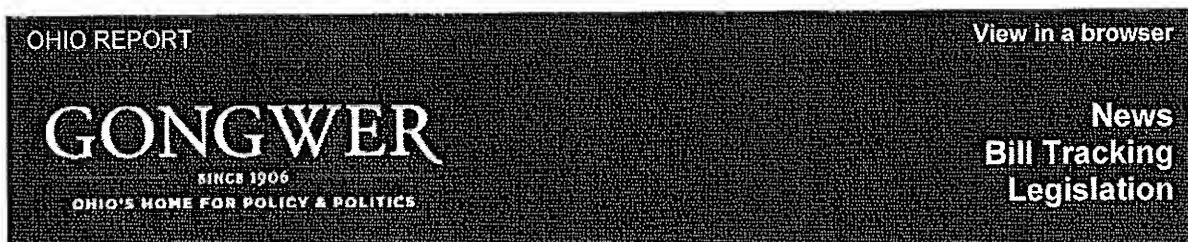
1 pm – Bridget McAuliffe and Jimmy Shepherd  
2 pm – Susan G. Komen of Northeast Ohio – Gina  
2:30 pm – Charter School Specialists – Dave Cash and Tom Needles  
3 pm – Mike Toman  
3:30 pm – Lakeview Cemetery  
4 pm – Americans for Prosperity  
4:30 pm – Joel Potts and Laura Abu-Absi

Thanks!

*Ciara Price*

Legislative Aide  
State Representative Sarah LaTourette  
House District 76  
77 South High Street, 14th Floor | Columbus, Ohio 43215  
Office: (614)644-5088 | Cell: (614)395-2158  
[Ciara.price@ohiohouse.gov](mailto:Ciara.price@ohiohouse.gov)

**From:** Gongwer News Service  
**Sent:** Tuesday, February 14, 2017 5:55 PM  
**To:** DL\_Gongwer  
**Subject:** Ohio Report, Tuesday, February 14, 2017  
**Attachments:** Feb14.htm; Feb14Senate.htm; 170214dayplan.htm; Feb14House.htm



## OHIO REPORT TUESDAY, FEBRUARY 14

**Mohr Outlines Continued Emphasis On Community-Based Initiatives; House Panel Again Questions Keen On Budget**

**House Democrats Say State's Economic Picture A 'Wake-Up Call,' Criticize Budget Proposals**

**Engineers Proposes Changes To Transportation Bill; Traffic Safety Advocate Seeks More Public Transit Funding**

**With Law Enforcement Support, House Panel Reports Bill Clarifying Cocaine Possession**

**As Committee Discussion On Employment Discrimination Bill Resumes, So To Do Concerns**

**Lawmakers Take Another Crack At Directing Dollars To School Upgrades, Tracking Student Residences**

**House Panel Advances Bill To Permit Casino Employee Gambling**

**Bill Would Require Certain Ratios Of Nurses To Patients In Some Hospital Settings**

**OBM Releases Details, Projected Distributions Under Proposed New Local Government Fund Formula**

**Health Plan Study: Managed Care Has Saved State Billions**

**Capitol Scene: Secaur Named ORP Executive Director; Former CIIC Chief Saul Joins Planned Parenthood**

**Supplemental Agency Calendar**

**Supplemental Event Planner**

**Senate Committee Hearings**

**Local Government, Public Safety & Veterans Affairs**

**Insurance & Financial Institutions**

**Judiciary**

**Health, Human Services & Medicaid**

**House Committee Hearings**

**Ways & Means**

**Financial Institutions, Housing & Urban Development**

**Finance**

**Criminal Justice**

**Economic Development, Commerce & Labor**

**State & Local Government**

## **Education & Career Readiness**

## **ACTIVITY REPORTS**

**House**

**Senate**

## **CALENDARS**

**Day Planner**

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**Volume #86, Report #30 – Tuesday, February 14, 2017**

**Mohr Outlines Continued Emphasis On Community-Based Initiatives;  
House Panel Again Questions Keen On Budget**

Department of Rehabilitation and Correction Director Gary Mohr on Tuesday urged members of a House panel to preserve a portion of Gov. John Kasich's biennial budget proposal designed to divert certain offenders from the state's overcrowded prisons.

In testimony before the House Finance Committee, Mr. Mohr said the expanded pilot program has the potential to save the state at least \$20 million over the next two years.



**Gary Mohr**

"It is critical that we not modify this diversion program introduced with our proposal," he said in his testimony. "Not only does it directly impact our budget in its first year, most importantly, these individuals will be diverted from the state prison system and will avoid facing a lifetime of collateral consequences. I firmly believe that it is a prudent policy to

invest in people instead of brick and mortar resources and this budget proposal wholeheartedly supports that view."

The two-year budget proposal (HB 492) includes an additional \$19 million for community-based initiatives in Fiscal Year 2018 and an additional \$39 million in FY. 2019.

Clinton, Ross, Medina, Lucas, Williams, Defiance, Henry and Fulton counties currently participate in the pilot program, through which they are provided with funding to treat low-level offenders in their communities.

"As part of this agreement, DRC provides these counties with additional resources to fund a variety of supervision services within the community. The participating counties have embraced this pilot and have implemented a diverse range of programs, from hiring a medical director to assist the court in selecting drug treatment options, to funding a detox center in a vacant wing of a county jail," Mr. Mohr said.

"The response of the pilot counties underscores the idea that local communities are better situated to identify the needs of their citizens who are struggling with addiction. These resources allow for the counties to address these needs while maintaining public safety."

In year one of the biennial budget, DRC plans to expand the program to counties that volunteer to participate. In year two, fifth-degree felons except for those that commit sex offenses, offenses of violence, mandatory offenses and those with a prior felony sex or violent offenses will no longer be prison eligible.

Of the approximately 20,000 commitments to DRC facilities each year, about 8,300 serve one year or less in prison, and about half of the 8,300 are serving time for a fifth-degree felony offense, Mr. Mohr said.

Rep. Keith Faber (R-Celina) told Mr. Mohr that he has heard concerns from local officials about the program, especially the cost of providing health care to the offenders.

"There are no strings attached to those dollars. It's a local decision," Mr. Mohr said.

Rep. Tom Patton (R-Strongsville) also said the program could run into difficulty in some areas. While he said he supports not sending "short-timers" to prison to get "a master's degree in criminology, but of the wrong kind" he also said that judges may be reluctant to get on board.

"You don't get elected being soft on crime," he said.

Mr. Mohr said he has been working with judges from across the state since 2011, and he believes more and more are becoming receptive to community-based initiatives.

"I believe that we are in a much better positon now. And I want to increase judicial discretion," he said.

Mr. Mohr also highlighted DRC's efforts to address violent behaviors in prisons, targeted reentry efforts toward high security inmates and the growing population of women in prison facilities.

"This budget proposal is necessary to provide for continued agency operations. However, it also makes critical investments in community corrections and programming that research shows lead to improved outcomes for offenders, reduced recidivism, and lower incarceration costs to Ohio taxpayers," he said. "The initiatives we are implementing will allow us to provide services that achieve our agency mission in the most efficient manner possible for the taxpayers of Ohio."

In response to a question from Rep. Alicia Reece (D-Cincinnati) about a potential merger between DRC and the Department of Youth Services, Mr. Mohr said there are no plans to combine the two agencies.

Rep. Dan Ramos (D-Lorain) questioned Mr. Mohr on the November release of former DRC inmate Brian Lee Golsby, who has been charged in the murder of 21-year-old Ohio State student Reagan Tokes.

"When these things happen, it's personal," Mr. Mohr said. He went on to add that the most predictive indicator that an inmate will reoffend is whether they engage in acts of violence while incarcerated.

"This was a person that was going home on the same day he was sentenced to go home even though he had a poor record inside of prison," he said.

**Keen Returns:** The panel also got another opportunity to question Office of Budget and Management Director Tim Keen.

Rep. Jack Cera (D-Bellaire) led off the questioning by asking about the underlying economics behind the budget proposal, including sales tax figures.

"The sales tax is growing, it's just growing more slowly than we had expected," Mr. Keen said, attributing it to slower economic growth nationwide.

Rep. Reece questioned Mr. Keen on a proposal to allow for the collection of the Motor Fuel Tax at the refinery rack starting in 2018, saying some small businesses were caught off guard by the proposal. (See Gongwer Ohio Report, February 13, 2017)

Mr. Keen said the proposal will make the tax collection more efficient, and added that discussions on the proposal have been ongoing.

"I am surprised that someone would be surprised," he said.

Rep. John Patterson (D-Jefferson) questioned Mr. Keen on Ohio's job growth relative to other states.

Mr. Keen said that several recommendations from Gov. John Kasich's Office of Workforce Transformation were included in the proposed spending outline and are designed to spur job creation.

### **House Democrats Say State's Economic Picture A 'Wake-Up Call,' Criticize Budget Proposals**

House Democrats said Tuesday that Gov. John Kasich's warning about the state possibly nearing a recession and the need for a tight budget was an "economic wake-up call" for Ohio.

The Democrats on the House Finance Committee said the state's policy of cutting taxes, particularly income taxes, has not helped the state grow its economy or add good jobs in the past six years.

"Today and in this budget, the same failed economic ideology from generations ago is still holding us back from economic prosperity," Rep. Emilia Sykes (D-Akron) said in a Statehouse news conference.

The Democrats criticized the budget's tax proposals, saying they were more of the same policies of tax shifting that have not boosted the economy. (See Gongwer Ohio Report, February 1, 2017)

Rep. Jack Cera (D-Bellaire), the ranking Democrat on the Finance Committee, pointed to the biggest single potential job creator in the state - the proposed PTT ethane cracker facility in his district in eastern Ohio - as a sign that job growth is not being spurred by income taxes.

"That company's not coming here because income tax rates are low. If they decide to come here and invest almost \$6 billion in Ohio, they're coming here because of the natural resources Ohio has," he said.

Most of the jobs that have been created in the state, he said, are not the well-paid manufacturing jobs with benefits and stability that Ohio has lost.

"We need jobs that pay wages that sustain a family and let Ohioans earn enough to afford a future," he said.

Budget Director Tim Keen disputed claims that the state has been outpaced by other states in growth.

"Given the fact that we are essentially a flat population state, the fact that we continue to get the job growth that we do, in my mind, shows an element of strength," he said in an interview. "Even with the flat population we continue to show job growth."

Mr. Keen pointed to Gov. Kasich's past cuts to income tax and taxes on small businesses as ways to spur spending and boost the economy.

"The governor has focused on reducing income taxes for everyone across the board with targeted relief for low and middle income Ohioans and we've had targeted relief for small businesses, where more than half of the job growth occurs," he said.

The Democrats also criticized the budget proposal for not putting more money into the hands of local governments. The reductions in the Local Government Fund over the past few years have put strains on cities, villages, townships and counties as their costs continue to rise, the lawmakers said.

They specifically criticized the proposed replacement for the Medicaid managed care sales tax, which allowed counties and transit authorities to "piggyback" on the state tax to bring in local sales tax revenue. (See Gongwer Ohio Report, February 8, 2017)

Rep. Cera said county commissioners were worried because, for many counties, the MCO sales tax accounted for a large percentage of their revenue, and the state's proposed replacement plan only offers temporary assistance. He suggested the state could consider broadening the base of the sales tax instead of taking it out of the tax base entirely and making it a provider assessment. Doing so would apply the tax to non-Medicaid managed care organizations, but allow local governments to continue to piggyback on it.

Director Keen said that proposal would increase the cost of health care for Ohioans with private plans.

"If we expand the sales tax to the non-Medicaid HMOs, it's a 7% increase in health care costs for Ohioans," he said. "We did not consider that a viable option."

The Democrats pushed for more investment in education. Rep. John Patterson (D-Jefferson) said the state should invest more in schools and in infrastructure in order to drive more job creation. He cited rural broadband development as one way to encourage businesses to move into more hard-hit areas of the state.

"If you were to talk to employers, what's the number one thing they need? Before they do anything, they need a well-educated workforce. And they need a healthy workforce," he said. "It's an educated workforce, it's a healthy workforce, and it's infrastructure development."

In general, Rep. Alicia Reece (D-Cincinnati) said the budget and the state's economic situation showed concerns with past policies.

"This is an economic wake-up call," she said. "We can't afford to prioritize the tax giveaways for the ultra-rich and expect a different result."

### **Engineers Proposes Changes To Transportation Bill; Traffic Safety Advocate Seeks More Public Transit Funding**

County engineers and a traffic safety advocate on Tuesday spoke about what they believe are needed changes in Gov. John Kasich's proposed transportation budget.

The county engineers told members of the House Finance Committee there's a need for additional funding to repair local transportation infrastructure. The panel heard separate criticisms regarding proposed increased investments in transportation technology.

Delaware County Engineer Chris Bauserman, testifying on behalf of the County Engineers Association of Ohio, said that counties have 26,859 bridges and 29,088 miles of urban and rural roadways to maintain. Maintaining that infrastructure is estimated to cost \$1.12 billion but total revenue is just \$450 million, creating a shortfall of 60%.

To close the gap, Mr. Bauserman offered several solutions, including allowing for a maximum \$15 increase in the vehicle registration permissive tax in any combination between the county, city and township levels.

"Prior to any township or municipal corporation receiving the percentage of revenue identified under the second \$5 license plate proposal, each eligible municipal corporation or township shall first pass a resolution requesting adoption of the motor vehicle license tax and forward a copy of that resolution to the board of commissioners within a specified period of time of being notified by the board of commissioners of their intent to adopt a resolution under the second \$5 motor vehicle license plate authority," he said during his testimony on the budget bill (HB 26). (Redbook)

Mr. Bauserman also proposed a reduction in the set-aside amount for the Ohio Public Works Commission's State Capital Improvement Program from 15% to 10%.

That, he said, would free up \$7.85 million for local governments.

Mr. Bauserman also suggested several efficiencies, including a new bridge inspection schedule, and asked that revenue generated from county weight enforcement actions be directed to counties for road and bridge projects. He also endorsed a proposal to move the collection of the Motor Fuel Tax to the rack. (See Gongwer Ohio Report, February 13, 2017)

Gallia County Engineer Brett Booth told members of the committee that he can replace just 40 bridges over a 10-year period, leaving the county 108 bridges behind schedule.

Mr. Booth suggested the state increase the 28-cent-per-gallon MFT. Each 1 cent increase would result in an additional \$83,000 to the county.

A new revenue stream could also be created by applying special fees on compressed natural gas vehicles, hybrids and electric cars.

"A major reason for the state governments' difficulty in maintaining funding is declining gas tax revenue, on which we relied heavily on to pay for transportation," he said in testimony. "This revenue has fallen substantially in real terms over the past decade as a result of changing driving habits and increased fuel efficiency. In addition, the federal and Ohio gas taxes remain at fixed per-gallon amounts, even as transportation construction costs increase."

Mr. Booth also proposed changing the formula for distributing the revenue generated by the sale of timber from federal lands and altering the definition of a bridge to match federal guidelines.

Rep. Jack Cera (D-Bellaire) asked if oil and natural gas production in the Wayne National Forest would provide any additional revenue for local infrastructure projects.

Mr. Booth said that some funding from mineral resource production is distributed locally, but it is not earmarked for road and bridge projects.

Rep. Scott Ryan (R-Newark) questioned the MFT distribution to counties, suggesting that it should be based on road mileage and the number of bridges.

Mr. Bauserman said that because of the way the funding is distributed, more populous counties rely more heavily on motor vehicle registration revenue while smaller counties are much more dependent on the MFT.

In addition, Mr. Booth spoke out against an amendment proposed by the Association of Professional Towers-Ohio that would provide a weight exemption for rotators, which can weigh up to 80,000 pounds. (See Gongwer Ohio Report, February 8, 2017)

On another issue addressed in the transportation bill, Sharon Montgomery, who told the panel that she has been a traffic safety advocate for the past 15 years, spoke out against a proposal to increase investment in transportation technology.

"Technological ways to redistribute traffic would have limited success. Studies show that when a road gains additional lanes, drivers who didn't use it before because of the congestion, then choose it because of the perceived reduced congestion, thus increasing the congestion," she said in testimony. "The only way to have fewer vehicles on the roads is to provide some way other than individual vehicles for travelers to get to their destinations."

Instead of relying on technology to improve congestion and safety, Ms. Montgomery told lawmakers they should invest in public transportation. (See Gongwer Ohio Report, February 7, 2017)

"I eagerly await the time when Ohio makes more use of public transit to solve a myriad of problems. Public transit can not only reduce congestion and increase safety, it can provide transportation for people who can't - or shouldn't (because of license suspensions, lack of insurance, or decreasing abilities) - drive, reduce harmful emissions in our air, and free up resources for police and courts to address other public safety problems," she said.

### **With Law Enforcement Support, House Panel Reports Bill Clarifying Cocaine Possession**

A House panel on Tuesday amended and advanced a bill that seeks to restore statutory penalties for cocaine possession undone by a recent Ohio Supreme Court ruling.

The bill (HB 42), authored by Rep. Robert Cupp (Lima) and Rep. John Rogers (D-Mentor-on-the-Lake), aims to correct a December decision in which the court refined criminal law by determining state law was "unambiguous" regarding whether filler material could be counted when determining the amount of cocaine one possesses.

In that split decision, the court ruled in *State v. Gonzales* that the state must prove the actual weight of cocaine involved excluding filler material meets the statutory levels for crime sentencing. (See Gongwer Ohio Report, December 23, 2016)

Proponents of the bill, who testified before the House Criminal Justice Committee Tuesday, said that was never the legislature's intent. The committee agreed, voting unanimously to advance the measure after adopting one amendment.

That amendment, offered by Rep. Jeff Rezabek (R-Clayton), adds additional language in an effort to further clarify the legislature's intent.

It does so by expressly stating the legislature is aware of the outcome in *State v. Gonzales* and that "it was not the intent of the General Assembly to require the state, in prosecuting cocaine offenses involving mixed substances, to prove that the weight of the cocaine meets the statutory threshold, excluding the weight of any filler materials used in the mixture."

The measure is scheduled for a House floor vote Wednesday. The bill includes an emergency clause to make it effective upon its signing by the governor.

Ohio Prosecuting Attorneys Association Executive Director John Murphy said the bill makes sense since cocaine is typically trafficked, sold and used with filler material.

"Cocaine sold at the retail level is almost never pure cocaine," he argued. The court ruling "means that all cocaine possession and trafficking cases, even those involving very large amounts, can today be prosecuted only as fifth degree felonies unless there is a quantitative analysis done to determine the amount of pure cocaine in the material."

Such analyses, he said, are cost prohibitive.

Dublin Police Chief Heinz von Eckartsberg, speaking for the Ohio Association of Chiefs of Police, urged quick action on the bill.

"This bill will help restore the ability of Ohio law enforcement to appropriately charge suspects who possess or traffic in cocaine based upon the law's tiered framework for increasing amounts of cocaine involved," he said. "The bill will also restore the deterrent effect of the original statute by providing increased penalties for dealers and traffickers based upon the amount of cocaine found in their possession."

Attorney General Mike DeWine submitted written proponent testimony. Conducting the analysis needed under the court's ruling, he said, would cost his Bureau of Criminal Investigations laboratories an initial startup cost of about \$725,000 along with an annual \$370,000 cost for supplies, training and salaries.

"BCI's labs are already seeing more and more drug evidence due to the opioid epidemic," he wrote. "The extreme burden cocaine quantification puts on laboratories throughout the state would increase the time it takes for law enforcement to identify dangerous drugs and apprehend the criminals who distribute them."

### **As Committee Discussion On Employment Discrimination Bill Resumes, So To Do Concerns**

A reintroduced bill its sponsor said will marry Ohio and federal discrimination laws drew renewed skepticism from Democrats during its first hearing Tuesday.

The bill (HB 22) from Rep. Bill Seitz (R-Cincinnati) is similar his legislation that was poised to pass the Senate last year (SB268, 131<sup>st</sup> General Assembly) before the sponsor had it pulled to address objections from the Ohio Civil Rights Commission.

As it was last year, the goal of the bill continues to be modifying Ohio workplace discrimination laws to complement federal statutes and "create greater predictability," Rep. Seitz told members of the House Economic Development, Commerce & Labor Committee.



Bill Seitz

"House Bill 2 is necessary as it will maintain protections for Ohio employees from discrimination in the workplace while also increasing uniformity between state and federal discrimination laws and improving predictability, stability, and administrative efficiency for Ohio employers," Rep. Seitz said.

But committee Democrats expressed concern the proposal could negatively impact temporary and seasonal workers and shield supervisors who engage in discriminatory behavior from liability. They're some of the same concerns raised by the OCRC and the ACLU of Ohio regarding the previous Senate bill.

The bill was initially proposed by the Ohio Chamber of Commerce, which along with other business groups has argued it would reduce the cost of litigation and alleviate some human resources headaches due to redundancy.

Provisions include: shortening a six year statute of limitations for civil actions and OCRC complaints to one year; extending the timeframe to file civil rights complaints from 180 days to one year; stopping the clock on the statute of limitations on a civil court case when an OCRC claim is filed; eliminating individual supervisor liability for employment discrimination; permitting employers to raise affirmative defense in hostile work environmental harassment claims under certain circumstances; and making age discrimination cases uniform with other similar claims.

Rep. Seitz said several changes were made to the bill in response to concerns raised last year by the OCRC. They include:

- An increase from 30 days to 45 for an individual to voluntarily dismiss a charge at the OCRC and restart the clock on the statute of limitations in which to file a lawsuit.
- The restoration of a one-year requirement in which the OCRC must resolve employment cases - language inadvertently removed in the prior bill.
- The removal of "all language that could reasonably be construed as legislative intent to prohibit the consideration and collection of a person's membership to any protected class or 'any other criteria than qualifications of applicants'."
- Revisions ensuring all materials in an investigation dismissed as no probable cause are public record as soon as that determination is made. The previous bill made some records confidential in those cases.

Rep. Michele Lepore-Hagan (D-Youngstown) questioned whether the bill simply provides "protection for bullies in the workplace." She was referring to the bill's removal of manager or supervisor liability from employment discrimination claims.

"It's nothing of the kind," Rep. Seitz replied. "If you are a supervisor or manager you are not the employer. The employer remains fully liable under this bill for acts committed by any of their employers."

Responding further, Rep. Seitz said a supervisor or manager can still be sued for assault, defamation, emotional distress or other similar claims. Additionally, an employer could not escape liability by demoting a supervisor who harassed or discriminated against an employee, he said.

"The only thing you cannot do is sue the individual supervisor or manager for employment discrimination because, again I say, that person is not the employer," he said.

Rep. Thomas West (D-Canton) questioned the bill's definition of "employer," which is a state, political subdivision, or "person employing four or more persons within the state for each working day in each of 20 or more calendar weeks in the current or preceding calendar year."

Wouldn't that language disproportionately affect temporary or seasonal workers? Rep. West asked.

Rep. Seitz said the language matches the current definition under federal law.

"So if I'm seasonal I have no civil right?" Rep. West said.

"You don't have civil rights under this bill; you don't have civil rights...under the current law," Rep. Seitz replied.

Rep. Michael Sheehy (D-Oregon) said moving the statute of limitations from six years to one year seems "fairly extreme" and requested information on how comparable states handle that issue. Rep. Seitz, promising to provide more information at a later time, said the statute in other states can range from 300 days to six years.

Rep. Alicia Reece (D-Cincinnati) said she was concerned the bill would exempt supervisors from employment discrimination liability.

"I'm concerned if we let that person off the hook, the supervisor, because that's really where the tensions are," she said.

Rep. Seitz reiterated that that person would still be susceptible to tort claims. He further argued that public sector managers and supervisors are already not liable for employment discrimination claims. "So why are we holding private sector individual managers and supervisors responsible when public sector managers and supervisors cannot be held responsible?" he asked.

### **Lawmakers Take Another Crack At Directing Dollars To School Upgrades, Tracking Student Residences**

The new House Education and Career Readiness Committee on Thursday kicked off its work by reviewing bills aimed at better tracking charter school students' home districts and directing state funds toward school technology and safety upgrades.

Both measures are reintroductions of proposals unveiled last year, the latter having received General Assembly approval with changes that didn't result in the sponsors' intended outcome.

Rep. Steven Arndt's (R-Port Clinton) plan to allow schools that are low on the School Facilities Commission's priority funding list to receive dollars now for technology and safety upgrades has already received the governor's signature.

However, the version that was approved by lawmakers in lame duck was amended to give the OSFC permission to set up the new funding program by Dec. 31, 2017. The original language of that bill and of the latest iteration would require its creation.

"It's coming back again because of the pressing need," Rep. Arndt said.

Under the bill, school districts that apply for the funds would no longer be eligible to participate in OSFC's Classroom Facilities Assistance Program, he said. That means the state's long-term liability for school improvements could be reduced.

Rep. John Patterson (D-Jefferson) said he's worried that some schools will jump on the chance to get funding now, but find themselves in trouble later and no longer be eligible for CFAP money.

"I'm looking out for those districts who've been waiting and waiting," he said. "They may take the bait and end up being penalized down the road."

The sponsor said the schools in his district would be willing to forgo the current program money because it's unlikely to come any time soon and they aren't in need of facility upgrades.

School boards would be required to adopt a resolution stating that they'd be accepting safety and technology funding instead of facilities funding, he said. A supermajority vote of members would be required.

Districts that have already participated in the CFAP program would not be eligible to receive funding through the technology and safety program, Rep. Arndt said.

**Charter Schools:** The committee also considered a charter school enrollment bill (HB 214) sponsored by Rep. Steve Hambley (R-Brunswick) that would require charters to keep track of which districts students reside in so that state funds are allocated properly.

Current law requires districts to determine which students no longer live in their boundaries and notify charter schools of that information, he said. The community schools are then obligated to figure out those students' new residences.

Rep. Hambley said the process is problematic for districts that sometimes never interact with students, especially those who begin attending charter schools in kindergarten.

"(Districts) are rarely, if ever, in contact with the families and have no concrete way of knowing that the child still lives within the boundaries of the school district," he said. "Without this physical contact, the school district has no way of knowing if a student changes their residency."

"By requiring community schools to report this data, not only will the records of our students be more accurate, but we can also ensure that the public funding that follows the child comes from the appropriate public accounts," the sponsor added.

Democrat lawmakers applauded the bill, asking whether there is a process for districts to reclaim funds that they determine to have been misdirected. The sponsor said it's likely that errors can be fixed in the Educational Management Information System, resulting in payout corrections.

The proposal comes back around as lawmakers consider options for addressing animosity between charter and traditional schools related to funding. Under the current funding structure, dollars are redirected from districts where students would have otherwise attended to the charter schools they're enrolled in. (See Gongwer Ohio Report, January 23, 2017)

**House Panel Advances Bill To Permit Casino Employee Gambling**

The Casino Control Commission and a pair of casino employees on Tuesday urged members of a House panel to advance a bill to permit casino workers to gamble at casinos not affiliated with their employer.

And members of the House Criminal Justice Committee did just that, reporting the bill (HB 326) at the end of its second hearing and teeing it up for a House vote Wednesday.

It's an early victory for sponsor Rep. Bill Seitz (R-Cincinnati) who tried to get the same legislation across the finish line last General Assembly. In that case, the bill (SB265, 131<sup>st</sup> General Assembly) passed the Senate in December, leaving no time for the bill to be considered by the House.

Three witnesses testified on the bill, which received no committee debate before the vote.

Casino Control Commission Executive Director Matthew Schuler said the commission regularly hears complaints about the current law, which makes it a first-degree misdemeanor for a casino operator or employee to participate in casino gaming unrelated to their employment. That ban applies to gambling facilities across Ohio.

"Since the opening of the first casino nearly five years ago, individuals have expressed their displeasure both to the commission and the members of the General Assembly that the law unfairly requires casino employees to go out of state in order to participate in casino gaming," Mr. Schuler said.

The bill specifies that the ban for casino employees applies only to the casino facility in which they work or an affiliated facility.

"By making this change, Ohio would be in alignment with our neighboring jurisdictions where this approach has proven fair and still maintains the integrity of casino gaming," Mr. Schuler said.

He said the commission has never seen a case in which employees from different casinos have colluded to cheat. He said he believes such an attempt would be difficult to successfully carry out.

David Rodrigo and Gary Wycuff, both employees of Hollywood Casino Columbus, testified before the committee in support of the legislation. Both had previously testified last year on the Senate bill.

Both said that in Nevada there is no prohibition placed on casino workers, who are free to gamble even at the casino at which they are employed.

"I am certainly not advocating that Ohio mirror Nevada," Mr. Rodrigo said. "I only bring up this example to show how far the other way some states govern their casino employees."

Pennsylvania started with a similar ban to Ohio's, the pair argued, only to later change the law in a way similar to this bill.

"Probably the most unfair part of this law is that Ohio has multiple racino establishments where their employees can not only go to other racinos for entertainment, but can also visit any one of Ohio's four casinos," Mr. Wycuff said. "This law is bordering on discriminatory to all the Ohio casino employees who wish to patronize our states casinos."

Mr. Wycuff called the bill a "small but necessary change that would help keep revenue in Ohio rather than driving it to other states."

### **Bill Would Require Certain Ratios Of Nurses To Patients In Some Hospital Settings**

Legislation introduced in the Senate Tuesday would require hospitals to maintain specific levels of nursing coverage by establishing required patient-to-nurse ratios for certain types of care.

The bill (SB 55) is sponsored by Sen. Michael Skindell (D-Lakewood) and supported by National Nurses United.

The legislation mirrors a bill introduced by Sen. Skindell last session (SB324, 131<sup>st</sup> General Assembly). (See Gongwer Ohio Report, May 16, 2016)

Sen. Skindell said at a Statehouse news conference that requiring certain levels of nursing coverage would keep nurses from being stretched too thin and improve patient care.

"Patients in a hospital setting rely entirely on the nurses to get them through a traumatic experience. If nurses are overworked because management is forcing them to cover too many patients or working too long hours, something could go seriously wrong," he said.

NNU representative Michelle Mahon said similar legislation has been in place in California since 2004. "and no hospitals closed, no hospitals went bankrupt."

"There's no reason for compromise. The safe staffing legislation is working," she said.

The measure would set specific patient ratios for certain types of care, such as one-to-one ratios for patients in an operating room, trauma center or critical care unit, unstable newborns and patients requiring resuscitation. A ratio of one nurse to three patients would be required for pediatric units and pregnant patients who are not in active labor, while a one-to-five ratio would be required in other situations, such as infants in nurseries.

The bill would also require a hospital-wide nursing care committee to establish ratio requirements at individual hospitals, and mandate that hospitals publicly post the ratios.

The legislation would also provide protections to nurses who refuse to follow policies they believe violate the legislation.

John Palmer, a spokesman for the Ohio Hospital Association, said the bill would place an undue burden on hospitals and remove the flexibility they have in allocating their workforce. Nurses have different skills, and hospitals should have the freedom to align those skills with the needs of patients without the burden of meeting statutory requirements, he said.

"It really is hospitals' intention to make sure that they are appropriately aligning that staffing to meet those needs of unique patients," he said. "The fixed ratios assume all nurses are simply interchangeable parts."

The state also has growing needs for health care providers, particularly with an aging population, and is facing a shortage of qualified staff, he said. "In our environment today we are experiencing a nursing shortage as well as a physician shortage. There's been a lot of focus on how do we address that challenge there."

Proponents of the bill said improving the workplace conditions for nurses would bring more back into the profession or back to work in hospitals.

"Here in the state of Ohio, there is no shortage of nurses. There is a shortage of nurses that are willing to work in the unsafe conditions that are in our hospitals," Ms. Mahon said. "There would be enough nurses if nursing was a profession that respected those who chose to embrace it."

### **OBM Releases Details, Projected Distributions Under Proposed New Local Government Fund Formula**

The Office of Budget and Management has unveiled the numbers showing how the new "capacity-driven" formula for some local government fund distributions will work.

When fully phased in, the proposal would account for 20% of the LGF and would be distributed based on the individual tax capacity of the local governments. (See Gongwer Ohio Report, February 1, 2017)

OBM detailed how that new formula would work in a fact sheet. The formula would account for total funding, allocation of funds to five classes of subdivisions, and the formula used to distribute money among the subdivisions in each class.

The new funding system will be phased in under the governor's proposed budget, starting at 10% of the LGF in 2018, then 18% in 2019, rising to its maximum of 20% in 2020.

Revenue estimates predict the capacity-based part of the fund would receive \$38 million in 2018 and \$69 million in 2019.

OBM also released estimated distribution tables for 2018 and 2019 for cities, townships, counties and villages under the new model.

### **Health Plan Study: Managed Care Has Saved State Billions**

Private sector managed care plans have saved the state considerable money and improved the quality of care, a study released Tuesday by the Ohio Association of Health Plans states.

The review, titled "The Impact of Private Industry on Public Health Care: How Managed Care is Reshaping Medicaid in Ohio," includes information on best practices, quality improvements, and cost savings the state has realized by moving away from fee-for-service, according to the group.

"Ohio's health plans are helping the state Medicaid program achieve a standard of accountability and value-based care delivery that simply would not be possible under the old system," Miranda Motter, president and CEO of OAHP, said in a statement. "By linking quality to payment, the State of Ohio and its private sector partners are forging a Medicaid program based on long-term innovation and sustainability."

OAHP said the state's shift to more "person-centered, coordinated care" has resulted in several benefits.

- From 2013 - 2015, capitation rates paid to the Medicaid managed care plans were 8.9-11.3% (\$2.5-3.2 billion) lower than costs would have been for the same Medicaid beneficiaries under a fee-for-service model.
- Costs per prescription under managed care were 13.3% lower in 2015 than the collective average costs seen in states that have yet to carve-in such benefits.
- Ohio's Medicaid managed care plans scored higher than both the national and large state subgroup averages on the National Committee for Quality Assurance's 2016 - 2017 metrics.
- All of Ohio's Medicaid managed care plans have linked at least 20% of provider payments to "value-based arrangements" and are on pace to meet state requirements to have at least 50% of provider contracts tied to value by 2020.

"The partnership between private industry and the State relies on identifying creative strategies that drive better health outcomes for Ohioans, while also bringing about improved cost efficiency for Ohio's taxpayers," Ms. Motter said. "This report details the success of recent years and illustrates why Ohio should continue on this path to improving the quality of care for its Medicaid population."

## **Capitol Scene: Secaur Named ORP Executive Director; Former Clic Chief Saul Joins Planned Parenthood**

Ohio Republican Party Chairman Jane Timken on Tuesday announced the appointment of Rob Secaur as executive director.

Mr. Secaur most recently served as the Republican National Committee state director in Ohio. He previously served as campaign manager for U.S. Rep. Mike Turner (R-Dayton) in 2011 and as a field representative for ORP in 2010. His experience also includes campaign work in Michigan and Kentucky and in the office of U.S. Senate Majority Leader Mitch McConnell.

"Ohio Republicans will be well served by Rob's invaluable campaign and political experience," Chairman Timken said in a statement. "With critical election cycles ahead of us, I am confident that our new executive director will play a key role in maintaining record Republican majorities in the Buckeye State."

Mr. Secaur holds a master's degree in professional studies in political management from George Washington University and a bachelor's in political science from the University of Louisville. The Fort Thomas, KY native resides in Columbus.

**Planned Parenthood:** Planned Parenthood of Greater Ohio announced Tuesday it has named Joanna Saul as its vice president of government affairs and public advocacy.

Ms. Saul most recently served as executive director of the Correctional Institution Inspection Committee.

In the new role, she will be the organization's primary contact on legislative and regulatory issues. Ms. Saul earned a law degree from Georgetown University Law Center and a bachelor's from Ohio State University.

## **Supplemental Agency Calendar**

**Friday, February 17**

**Canceled: Southern Ohio Agricultural & Community Development Foundation, 100 S. High St., Hillsboro, 9:30 a.m.**

**Friday, February 24**

**Southern Ohio Agricultural & Community Development Foundation, 100 S. High St., Hillsboro, 9:30 a.m. (The Economic Development Sub Committee will meet immediately after the full board meeting)**

## **Supplemental Event Planner**

**Wednesday, February 15**

**Marsy's Law for Ohio news conference, Ladies Gallery, Statehouse, Columbus, 10 a.m.**

**Wednesday, March 15**

Sen. Sean O'Brien (D-Hubbard) fundraiser, Claddagh Irish Pub, 585 S. Front St., Columbus, 5 p.m., (Host - \$2,000; Sponsor - \$1,000; Friend - \$500 to Committee to Elect Sean J O'Brien)  
**Wednesday, April 26**

**Ohio Council of County Officials Legislative Reception, Statehouse Atrium, Columbus, 5 p.m.**

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## Senate Activity for Tuesday, February 14, 2017

### INTRODUCED

- SB 45** **UNCLAIMED FUNDS (Williams, S.)** Regarding payment to a registered finder of unclaimed funds. Am. 169.13 and 169.14
- SB 46** **ROAD NAMING (Williams, S.)** To designate portions of United States Route 422 within the municipal corporations of Cleveland and Youngstown as the "Arnold R. Pinkney Memorial Way." Am. 5534.60
- SB 47** **NONCOMPETE LANGUAGE (Williams, S.)** To prohibit the use of noncompete provisions in employment contracts in the broadcasting industry. Am. 4113.66
- SB 48** **HEARING IMPAIRMENTS (Williams, S.)** To create a special license plate for hearing-impaired individuals and to require the Registrar to include an identifying symbol on a driver's license, commercial driver's license, or state-issued identification card of a hearing-impaired individual, if requested. Am. 4506.07, 4506.11, 4507.06, 4507.13, 4507.51, and 4507.52 and to enact section 4503.441
- SB 49** **EMPLOYMENT APPLICATIONS (Williams, S.)** To prohibit private employers from including on an employment application any question concerning whether an applicant has been convicted of or pleaded guilty to a felony. Am. 4113.13
- SB 50** **OIL GAS LAWS (Skindell, M.)** To prohibit land application and deep well injection of brine, to prohibit the conversion of wells, and to eliminate the injection fee that is levied under the Oil and Gas Law. Am. 1509.01, 1509.02, 1509.03, 1509.05, 1509.06, 1509.08, 1509.21, 1509.22, 1509.222, 1509.223, 1509.224, and 1509.99, to enact section 1509.051, and to repeal section 1509.226

**SB 51** LAKE ERIE (Skindell, M., Eklund, J.) To authorize the creation of a special improvement district to facilitate Lake Erie shoreline improvement. Am. 1710.01 and 1710.02

**SB 52** MARRIAGE CEREMONIES (Skindell, M.) To allow any person or entity that registers with the secretary of state to solemnize marriages. Am. 3101.08, 3101.10, 3101.11, and 3101.12

**SB 53** LAKE ERIE DRILLING (Skindell, M.) To ban the taking or removal of oil or natural gas from and under the bed of Lake Erie. Am. 1505.07

### SENATE PRESIDENT'S APPOINTMENTS

Criminal Justice Recodification Committee: Appoint Sen. Huffman

### COMMITTEE HEARINGS

#### Local Government, Public Safety & Veterans Affairs

**SB 11** DAY DESIGNATION (Tavares, C.) To designate March 31 as "Cesar E. Chavez Day" in Ohio. (CONTINUED; 1st Hearing-Sponsor)

Sen. Tavares told the panel the bill would recognize the efforts of Cesar Chavez, who made significant humanitarian contributions by organizing farm workers to secure fair wages, improve working conditions and outlaw child labor.

She said Mr. Chavez helped secure those improvements by mimicking nonviolent civil rights-style marches.

Sen. Terhar said Mr. Chavez did "wonderful things," but raised concerns that March 31 is already recognized as Vietnam Veterans Day in the state.

Sen. Tavares said selecting his birthday for the designation is in line with other states that have taken the step. She said she didn't feel one designation would overshadow the other.

**SB 30** VEHICLE TRAFFIC (Eklund, J.) To authorize counties to adopt resolutions regulating motor vehicle traffic on county and township roads. (CONTINUED; 1st Hearing-Sponsor)

Sen. Eklund said his proposal would permit counties to regulate vehicle traffic on local roadways the same way they did before the release of a 1993 Ohio Supreme Court decision that put an end to the practice.

Before the ruling, he said it was understood that counties had the authority, but the ruling determined that there was not an expressed grant of the power.

The measure, he said, seeks to address concerns about large, heavy, dangerous vehicles that may move through residential areas in an effort to get products from one area to

another. He said the safety of many people - including children waiting for school buses - is at risk when certain "monster 18 wheel trucks" come down the roads.

After enactment, it would be clear that counties would be constrained by the constitution in the types of regulation they can implement.

Sen. Eklund added that the bill was also offered last session, when there was a "blizzard" of opposition that he expects to return this session.

He said those groups will likely argue that the change would create a costly patchwork of regulation. He suggested that the committee press opponents on safety-related issues.

**SB 37** **POLICE CHIEF TRAINING (Hite, C.)** To require the Ohio Peace Officer Training Commission to develop and conduct a chief of police training course for newly appointed village, city, and township chiefs of police.

(CONTINUED; 1st Hearing-Sponsor)

Sen. Hite said the bill would establish a training requirement for new Ohio police chiefs to make sure the officials have the skills they need to be effective, dynamic leaders.

He said many chiefs in large areas are properly trained, but said sometimes "in the boonies," a person might become a chief without having effective training.

The 40 hour course - which would have no registration costs - would be offered twice a year by the Ohio Peace Officer Training Commission, he said. Among other things, the course would include information on diversity training.

Sen. Hite added that chiefs moving to Ohio from other states would only need to take a 16-hour course.

Sen. Thomas said training is essential for police chiefs, and allows them to be on the same page in terms of the information they share with personnel.

Sen. Yuko and Sen. Hoagland expressed concerns about travel-related costs that would be borne by the local governments.

Sen. Hite said he was open to reviewing options that could reduce those costs.

**SB 7** **PROTECTION ORDERS (Bacon, K., Manning, G.)** To provide that service of a protection order or consent agreement upon a person is not necessary for the person to be convicted of the offense of violating a protection order if the person had actual notice of the order or agreement and the person recklessly violated its terms. (CONTINUED; 1st Hearing-Sponsor)

Sen. Bacon said the bill - another reintroduction from previous sessions - would enhance protection for domestic violence victims by reducing service requirements for those orders. The measure, he said, stems from a case in which the Supreme Court voided a conviction of a man who had been shown - but not officially served - a protection order that had been issued against him.

He said the court may have gotten the law correct by applying the law, but said lawmakers should update the law to err on the side of protecting victims.

Sen. Bacon added that it's not uncommon for people to avoid service of protection orders by avoiding their primary residences or refusing to open doors.

**SCR 2**

**IDENTIFICATION CARDS (Thomas, C.)** To urge municipal corporations throughout the state to adopt a Municipal Identification Card Program. **(CONTINUED; 1st Hearing-Sponsor)**

Sen. Thomas said his proposal would encourage the issuance of municipal identification cards that can be valuable to members of a community who face barriers in obtaining traditional identification cards.

Among those who would benefit, he said, are undocumented immigrants, senior citizens and the homeless. He said some of those communities fear contact with the government because they lack official documentation, but the cards could help them get in touch with programs that might be helpful.

He said the cost of the cards would vary based on how cities handle them, noting that Cincinnati's card is \$15.

He said the card wouldn't confer any new benefits that aren't currently available under law, but would help holders get involved in the fabric of their communities. He added that the cards would not include any travel-related privileges.

**Insurance & Financial Institutions**

**SB 24**

**LOAN ACT (Terhar, L.)** To create the Ohio Consumer Installment Loan Act. **(CONTINUED; 1st Hearing-Sponsor)**

Sponsor Sen. Terhar said the proposal, identical to legislation introduced last session (HB598, 131<sup>st</sup> General Assembly), would ensure consumer installment loan lenders are licensed under code specific to what they do, rather than under the broad Ohio Mortgage Loan Act.

Consumer installment lenders mostly lend long-term installment loans, typically for more than 24-36 month and payable in equal monthly installments.

"The CILA will more accurately reflect the business of traditional installment lending and create a new code section clearly dedicated to that industry segment, eliminating confusion for borrowers and lenders alike, and simplifying the job of the industry regulators," he said. Much of the new code will duplicate the OMLA, but it would indicate that CILA loans have to be for at least six months, be payable in equal monthly installments, have stricter limits on refinancing and must not be secured by real estate.

Sen. Terhar said the bill is part of a series of proposals to modernize the state's lending laws and clearly delineate in separate code sections the policies governing different kinds of loans.

Answering a question from Sen. Williams, the sponsor said, "The idea is to make sure that each of the lenders know what licenses they're supposed to have, what they may and may not do, and if they choose to come out with a different type of product, know that they have to come in under a different code to do it."

**SB 29**

**BANKING LAW (Coley, B., Oelslager, S.)** For the purpose of enacting a new banking law for the State of Ohio. **(CONTINUED; 1st Hearing-Sponsor)**

The bill, which is nearly identical to legislation passed by the Senate last session (SB317, 131<sup>st</sup> General Assembly) and which has partner legislation in the House (**HB 35**), would modernize the state's banking law, sponsor Sen. Coley said.

"Large parts of the current Ohio banking code are antiquated and have not been updated since the 1980s," around the time the first ATM was introduced, Sen. Coley said. "We've seen a lot of changes in banking and in money transmission since the days of that first teller machine, and Senate Bill 29 seeks to update the statute that needs to be modernized to promote and enhance safe and sound operations by FDIC-insured depository institutions and provide a secure banking environment for Ohio consumers."

Among the changes, the bill would acknowledge electronic banking, require the Superintendent of Financial Institutions' pre-approval of amendments to a bank's articles of incorporation and eliminate the law governing Societies for Savings, Sen. Coley said. The sponsor also said there have not been any significant changes to the bill since it was passed by the Senate last session, but that there might be some amendments he will bring before the committee.

## Judiciary

### SB 1

**DRUG OFFENSES (LaRose, F.)** To increase penalties for drug trafficking violations, drug possession violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound, to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse, and to add lisdexamfetamine to the list of schedule II controlled substances.

(CONTINUED; 2nd Hearing-Proponent)

Wayne County Prosecutor Dan Lutz said the measure will allow law enforcement and the courts to better address fentanyl-related compounds, which are growing in popularity, as well as meth labs.

He told Sen. Skindell that individuals subject to the bill's penalties would have to knowingly possess fentanyl.

The lawmaker has raised concerns because individuals who are in possession of a large amount of a substance with only a trace amount of fentanyl could end up facing felonies as a result of the legislation's increased penalties.

There is currently no way to decipher how much of compound is made up of fentanyl, Mr. Lutz said. The substance can even be dangerous to test because one can overdose simply from touching it.

He told the panel that the bill "strikes a good balance" by setting fentanyl possession penalties at the same level as heroin to ensure that traffickers, and not addicts, end up facing charges.

Chillicothe Police Department Detective Derek Wallace shared similar sentiments, saying that, "If you have a drug that is 30 to 50 times more potent than another, there should be more potent penalties with possessing or trafficking the drug."

John Murphy, executive director of the Ohio Prosecuting Attorneys Association, also provided written proponent testimony.

### SB 20

**FELONY SENTENCES (Hackett, B.)** To require an additional prison term of 3 to 8 years for an offender who is convicted of or pleads guilty to a felony offense of violence if the offender is convicted of or pleads guilty to a

specification that the victim suffered permanent disabling harm.

(CONTINUED; 2nd Hearing-Proponent)

Eleven-year-old Destiny Shepard, who the bill was introduced in honor of, and her mother Randi appeared before the committee to ask for their support.

Ms. Shepard said her daughter has 90% brain damage from being shaken as a baby and doesn't have any hope of living a normal life.

She said her ex-boyfriend, who caused the trauma, would have been in prison longer had he been eligible for the specification proposed in the legislation.

Clark County Sheriff's Major Christopher Clark, whose office worked on the Shepard case, said it doesn't seem fair that attackers are living freely while their victims suffer lifelong issues.

He said that about 75% of children who are shaken survive and 80% of those suffer permanent disability.

"That's 780 small children per year that get issued life sentences at the hand of some vicious thugs that decided they want to abuse these children," Mr. Clark said.

OPAA Executive Director John Murphy also supported the bill. He told Sen. Eklund that it's unlikely the specification for permanent disability would be added to homicide or murder charges and that's not the intent of the bill.

Franklin County Prosecutor Ron O'Brien and Clark County Prosecutor Andrew Wilson also wrote in favor of the bill. Ohio Judicial Conference Executive Director Paul Pfeifer submitted written interested party testimony.

**SB 25**

**PERRY COUNTY COURT (Hottinger, J.)** To create the Perry County Municipal Court in New Lexington on January 1, 2018, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Perry County County Court on that date, to designate the Perry County Clerk of Courts as the clerk of the Perry County Municipal Court, and to provide for the election for the Perry County Municipal Court of one full-time judge in 2017. (AMENDED-REPORTED; 2nd Hearing-Proponent-Possible vote)

Before a unanimous report, the committee accepted an amendment allowing members of the Ohio Criminal Justice Recodification Committee to continue serving after they're no longer officeholders.

Some members of the committee, Chairman Bacon said, have devoted considerable effort to the cause but held elected office terms that expired in December.

Perry County Court Judge Dean L. Wilson urged approval of the measure, which the upper chamber supported in the last General Assembly.

"Operating on a full-time basis as a municipal court with a full-time judgeship, cases would be able to be adjudicated in less time and the court would not struggle to meet the time constraints set forth by local and state rule," he said. "Further, court patrons would be able to have their issues resolved in a timely fashion which would result in less cost to the patron, swifter justice for victims, and more overall satisfaction."

He told Sen. Coley that there is also hope a new drug court will reduce some of the county's caseloads and jail costs.

There are currently 15 people in the drug court system that meet with judges between 6-8 p.m. for informal check-ins, he said.

**SB 32** **TRIAL TIMELINES (Eklund, J.)** To provide a prosecutor an additional fourteen days to commence a trial after a person charged with a felony has been discharged because the person has not been brought to trial within the required amount of time and to authorize the court to release the person from detention in connection with those charges pending trial. (CONTINUED; 1st Hearing-Sponsor)

Sen. Eklund said the bill would modify the state's speedy trial statute to ease penalties that he described as a "disproportionate."

Currently, charges - no matter how serious - must be dismissed with prejudice if a defendant is not brought to trial within the statutory time limit of 270 days, he said.

His bill would make the defendant eligible for discharge if the statutory time limit is exceeded, but the charges would not be dismissed and the state would be able to prosecute the defendant as long as the trial began within 14 days of the discharge.

"Current law has resulted in a miscarriage of justice in many cases where the defendant escapes liability for his criminal conduct simply because the trial date was mistakenly set beyond the statutory time limit," Sen. Eklund said. "This proposal will avoid the harsh consequences of what is usually an innocent and inconsequential violation of a statutory time limit."

**SB 33** **LAW ENFORCEMENT DATA (Eklund, J.)** To allow disclosure of information from the law enforcement automated data system (LEADS) to a defendant in a traffic or criminal case. (CONTINUED; 1st Hearing-Sponsor)

Sen. Eklund said the legislation "will make it clear that a defendant has a right to see and have a copy of his or her traffic and criminal record during a traffic or criminal case."

The sponsor said he's come to learn that some prosecutors don't provide copies of records to defendants because of concerns about violating laws regarding the Law Enforcement Automated Data System.

"In order to properly represent a defendant it is necessary for defense counsel to have all the information so that a defense or plea can be appropriately pursued," Sen. Eklund said.

Giving defendants access to their own records could also bring to light errors that could arise from social security number typos and common names, he said.

**SB 4** **HUMAN TRAFFICKING (Kunze, S., Oelslager, S.)** To allow a person who is found not guilty of an offense or who is the defendant named in a dismissed criminal charge to apply for a court order to expunge the person's official records in the case if the charge or not guilty finding was the result of the applicant having been a human trafficking victim, to allow a person convicted of certain prostitution-related offenses to apply for the expungement of the conviction record of any offense, other than a specified disqualifying offense, the person's participation in which was a result of having been a human trafficking victim, and to allow intervention in lieu of

conviction for persons charged with committing an offense while a victim of compelling prostitution. (CONTINUED; 2nd Hearing-Proponent)

Judge Paul Herbert, who runs Franklin County's widely known CATCH court that provides restorative justice to human trafficking victims, offered support for the measure.

He said women who've been coerced into sex trades have often been charged with other offenses, such as theft and drug possession, while being trafficked.

Current law allows them to file for expungement of their prostitution and related charges, but does not apply to other offenses committed in the same time frame.

Judge Herbert said he's looking forward to the bill becoming law so that he can reach back out to the women who continue to struggle with finding housing and jobs because of their records despite having charges removed under trafficking expungement.

Felicia Snell, Gina Burris and Jennifer Kempton told the panel that they're among the women in the state who've had their trafficking charges removed from their records but are still unable to get certain licenses or jobs because of related charges.

"I am the founder and executive director of this rapidly growing organization which was built from the ground up. I am also a trusted educator, advocate, and motivational speaker, among other things," Survivor's Ink Founder Ms. Kempton said.

"However, despite what I have proven myself to be fully capable of, I wouldn't be able to walk into McDonald's and get a job running the cash register because my record says I'm a thieving drug addict. The expansion of the expungement law would not only enable me to do more, but provide a brighter future for me and my organization."

Tabitha M. Woodruff, legislative advocacy co-chair for the Central Ohio Rescue & Restore Coalition, also supported the measure through written testimony.

#### **Health, Human Services & Medicaid**

**SB 23 DAY DESIGNATION (Terhar, L.) To designate January 31 as "Omphalocele Awareness Day." (CONTINUED-AMENDED; 1st Hearing-Sponsor)**

The committee adopted a technical amendment clarifying the code section offered by Chair Sen. Burke.

Sponsor Sen. Terhar said the bill would designate Jan. 31 as Omphalocele Awareness Day, raising awareness about the rare birth defect.

An omphalocele is a defect in the abdominal wall that happens when the infant's intestines, liver and sometimes other organs grow outside of the body and push into the navel, the sponsor said. The condition almost always requires surgery.

Small omphaloceles occur in about one in every 5,000 births, while large omphaloceles occur in one of every 10,000 births, Sen. Terhar said.

"Initial treatment for an omphalocele depends on how severe the condition is and whether there are any other associated conditions that take priority," he said. "If the baby has no additional conditions, treatment for the omphalocele may begin right away. If the baby also has a cardiac defect or poor lung development, these conditions may be addressed before the omphalocele. The baby's heart and lungs will need to be stabilized before any surgical treatment for the omphalocele can be attempted."

The sponsor said raising awareness of the condition would help more children live normal, healthy lives.

**SB 27**

**MONTH DESIGNATION (Beagle, B.)** To designate the period beginning March 13 and ending April 15 as "Ohio Deaf History Month." (CONTINUED; 1st Hearing-Sponsor)

Sen. Beagle, the bill's sponsor, said the measure would establish March 13 through April 15 as Ohio Deaf History Month.

The sponsor said the time period was chosen to mark two moments - March 13, 1988, when I. Jordan King was chosen as the first deaf president of Gallaudet University, a school for the deaf and hard of hearing, and April 15, 1817, the establishment of the country's first permanent deaf school in Connecticut.

"Ohio Deaf History Month was brought to my attention by constituents affiliated with the Citizens of Deaf Cultures group who were seeking assistance to raise awareness about individuals who are deaf or hard of hearing and their proud history and culture," he said.

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## Daily Activity Planner for Wednesday, February 15

### Legislative Committees

House Finance (Committee Record) (Chr. Smith, R., 466-1366), Rm. 313, 9 a.m., Webcast

**HB 26** **TRANSPORTATION BUDGET (McColley, R.)** To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of those programs. (3rd Hearing-All testimony)

House Transportation & Public Safety (Committee Record) (Chr. Green, D., 644-6034), Rm. 017, 9 a.m.

**HB 9** **TRAFFIC SIGNALS (Koehler, K.)** To specify that the alternative protocol for proceeding into an intersection with malfunctioning traffic lights due to a failure of a vehicle detector applies only to bicycles. (2nd Hearing-All testimony-Possible vote)

**HB 16** **ROAD NAMING (Cera, J.)** To designate a portion of State Route 43 in Jefferson County as the "Army Corporal Carl H. Bernhart Memorial Highway." (2nd Hearing-All testimony-Possible vote)

**HB 22** **ROAD NAMING (Hambley, S.)** To designate a portion of State Route 261 in Medina and Summit Counties as the "Sergeant James F. Allen III Memorial Highway." (2nd Hearing-All testimony-Possible vote)

House Health (Committee Record) (Chr. Huffman, S., 466-8114), Rm. 121, 9 a.m.

- **Introduction of members, adopt committee rules, appoint committee secretary**
- Senate Ways & Means (Committee Record) (Chr. Eklund, J., 644-7718), South Hearing Rm., 9 a.m.

**SB 9** **SALES TAX HOLIDAY (Bacon, K.)** To provide for a three-day sales tax "holiday" in August 2017 during which sales of clothing and school supplies are exempt from sales and use taxes. (1st Hearing-Sponsor)

**SB 35** **TAX CREDIT (Skindell, M.)** To remove the income restriction on the earned income tax credit and to make the credit refundable beginning in 2017. (1st Hearing-Sponsor)

**SB 36** **AGRICULTURAL LAND (Hite, C.)** To require that the computation of the capitalization rate for the purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type. (1st Hearing-Sponsor)

**Senate Government Oversight & Reform (Committee Record) (Chr. Coley, B., 466-8072), Finance Hearing Rm., 9:45 a.m.**

**SB 10** **PRIMARY ELECTIONS (LaRose, F.)** To expand the circumstances under which a board of elections or the secretary of state is not required to hold a primary election. (1st Hearing-Sponsor)

**SB 18** **DAY DESIGNATION (Thomas, C.)** To designate September 12 as "Jesse Owens Day." (1st Hearing-Sponsor)

**SB 21** **ELECTION PROCEDURES (Uecker, J.)** To reduce the minimum number of precinct election officials in a precinct in which electronic pollbooks are used and to eliminate the requirement that a board of elections send a notice to a person's residence address when the board cancels the person's voter registration because it received a report of the person's death. (1st Hearing-Sponsor)

**SB 28** **ABORTION (Uecker, J.)** Regarding final disposition of fetal remains from surgical abortions. (1st Hearing-Sponsor)

**House Insurance (Committee Record) (Chr. Brinkman, T., 644-6886), Rm. 113, 10 a.m.**

- **Presentations from Ohio Department of Insurance, Ohio Association of Health Plans, Ohio Insurance Institute and Association of Ohio Life Insurance Companies**

**Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.**

**House Session (Committee Record) (Chr. Rosenberger, C., 466-3357), House Chamber, 1:30 p.m., Webcast**

**Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m., Webcast**

**Senate Education (Committee Record) (Chr. Lehner, P., 466-4538), South Hearing Rm., 3:15 p.m.**

- **Confirmation hearing on governor's appointments of Eric Poklar, Rebecca Vazquez-Skillings, Charlotte McGuire and Martha Manchester, State Board of Education**

**SB 8** **SCHOOL TECHNOLOGY & SAFETY (Gardner, R., Terhar, L.)** To require the Ohio School Facilities Commission to establish a program assisting school districts in purchasing technology and making physical alterations to improve technology infrastructure and school safety and security. (1st Hearing-Sponsor)

**SB 34** **ACADEMIC YEAR (Manning, G.)** To generally require public and chartered nonpublic schools to open for instruction after Labor Day. (1st Hearing-Sponsor)

**House Finance: Agriculture, Development & Natural Resources Sub. (Chr. Thompson, A., 644-8728), Rm. 018, 3:30 p.m.**

- **Budget testimony from Liquor Control Commission, Racing Commission, Sea Grant**

**House Civil Justice (Committee Record) (Chr. Butler, J., 644-6008), Rm. 113, 4 p.m.**

**HB 1**

**DATING PROTECTION ORDERS (Sykes, E., Manning, N.)** To authorize the issuance of dating violence protection orders with respect to conduct directed at a petitioner alleging dating violence, to provide access to domestic violence shelters for victims of dating violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that a petitioner alleging dating violence has the right to petition for a civil protection order. (1st Hearing-Sponsor & proponent)

**HB 7**

**MEDICAL PROVIDER IMMUNITY (Cupp, R.)** To grant qualified civil immunity to certain medical providers who provide emergency medical services as a result of a disaster; to provide that certain communications made regarding an unanticipated outcome of medical care, the development or implementation of standards under federal laws, and an insurer's reimbursement policies on health care are inadmissible as evidence in a medical claim; to provide that medical bills itemizing charges are inadmissible as evidence and an amount accepted as full payment for medical services is admissible as evidence of the reasonableness of the charges; to specify the manner of sending a notice of intent to file a medical claim and provide a procedure for the discovery of other potential claims within a specified period after the filing of a medical claim; to provide that any loss of a chance of recovery or survival by itself is not an injury, death, or loss for which damages may be recovered; to provide civil immunity to certain medical providers regarding the discharge of a patient with a mental condition that threatens the safety of the patient or others; to require that governmental agencies that receive peer review committee records maintain their confidentiality; and to clarify the definition of "medical claim." (1st Hearing-Sponsor)

House Finance: State Government & Agency Review Sub. (Chr. Faber, K., 466-6344), Rm. 115, 4 p.m.

- All testimony

House Community & Family Advancement (Committee Record) (Chr. Ginter, T., 466-8022), Rm. 114, 4 p.m.

**HB 36**

**MARRIAGE CEREMONIES (Vitale, N.)** To provide that an ordained or licensed minister or religious society is not required to solemnize a marriage and a religious society is not required to allow any building or property of the religious society to be used to host a marriage ceremony if the marriage does not conform to the ordained or licensed minister's or religious society's sincerely held religious beliefs, to provide that an ordained or licensed minister or religious society is not subject to civil or criminal liability for such a denial, and to provide that the state and political subdivisions may not penalize or withhold benefits to an ordained or licensed minister or religious society for such a denial. (2nd Hearing-Proponent)

**Agency Calendar**

Casino Control Commission, State Room, Statehouse, Columbus, 10 a.m.

**Construction Industry Licensing Board, Division of Industrial Compliance, 6606 Tussing Road, OCILB Conference Room, Reynoldsburg, 10 a.m. (Administrative Section)**

**Small Business Advisory Council, 77 S. High Street, 31st Floor, Room East B, Columbus, 10 a.m.**

**Broadcast Educational Media Commission, Greater-Columbus Convention Center, Room B142-B143, 400 N. High St., Columbus, 11 a.m.**

**Graduation Requirements Workgroup, 25 S. Front St., Columbus, 4 p.m.**

## **Event Planner**

**Marsy's Law for Ohio news conference, Ladies Gallery, Statehouse, Columbus, 10 a.m.**

**Rep. Jonathan Dever (R-Madeira) fundraiser, Oliver's, 26 N. High Street, Columbus, 11:30 a.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Friends of Jonathan Dever)**

**Ohio House Republican Organizing Committee fundraiser, Capital Club, 41 S. High Street, Columbus, 5 p.m., (Chair: \$2,500; Host: \$1,000; Sponsor: \$500 to OHROC)**

**Sen. Matt Huffman (R-Lima) fundraiser, Athletic Club of Columbus, Gold Room, 136 East Broad Street, Columbus, 5 p.m., (\$2500 Chair | \$1000 Host | \$500 Sponsor | \$350 Attendee to Matt Huffman for Ohio)**

**Ohio Aggregates and Industrial Minerals Association Legislative Reception, Statehouse Atrium, Columbus, 5:30 p.m.**

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## House Activity for Tuesday, February 14, 2017

### INTRODUCED

**HB 61** ■ **SALES TAX** (Johnson, G., Kelly, B.) To exempt from sales tax the sale of tampons and other feminine hygiene products associated with menstruation. Am. 5739.02

**HB 62** ■ **WATER QUALITY** (Patterson, J., Sheehy, M.) To require the Director of Agriculture to adopt rules establishing the Ohio Water Quality Improvement Program, to exempt land enrolled in the Program from taxation, and to reimburse local taxing units for revenue lost due to that exemption. Am. 321.24, 939.01, and 939.02 and to enact section 5709.30

**HB 63** ■ **PRISON TERMS** (Hughes, J.) To require an additional prison term for felonious assault of 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, or 20 years if the offender also is convicted of a specification that charges that the harm caused by the violation resulted in a permanent, serious disfigurement or substantial incapacity or that the offender used an accelerant in committing the violation and to name the act's provisions "Judy's Law." Am. 2903.11, 2929.01, 2929.13, and 2929.14 and to enact section 2941.1425

### REFERRED

#### Civil Justice:

**HB 52** ■ **DEED SOLICITATION** (Rezabek, J.) To regulate the solicitation of certain deeds.

#### Community & Family Advancement:

**HB 50** ■ **EBT CARDS** (Schaffer, T.) To establish requirements for electronic benefit transfer cards issued under the Supplemental Nutrition Assistance Program.

## Criminal Justice:

**HB 48**

**WAR RELICS (Schaffer, T.)** To prohibit a war relic that is located on public property or on the property of a cemetery association from being sold or otherwise disposed of; or destroyed, relocated, removed, altered, or otherwise disturbed, except under certain circumstances.

## Economic Development, Commerce & Labor:

**HB 42**

**UNSAFE TIRES (Sprague, R., DeVitis, T.)** To prohibit the installation of unsafe used tires on certain motor vehicles.

## Education & Career Readiness:

**HB 47**

**EXTRACURRICULAR ACTIVITIES (Boccieri, J.)** To enact the "Students to Soldiers Support Act (S3A)" regarding the participation of students who are serving in the uniformed services in extracurricular activities at public and nonpublic schools and public and private colleges.

## Finance:

**HB 53**

**UNION DUES (Becker, J.)** To remove any requirement under the Public Employees Collective Bargaining Law that public employees join or pay dues to any employee organization, to prohibit public employers from requiring public employees to join or pay dues to any employee organization, to prohibit an employee organization from being required to represent public employees who are not members of the employee organization, and to make an appropriation.

## Financial Institutions, Housing & Urban Development:

**HB 46**

**LIBRARY FUNDS (Sprague, R.)** To modify the qualifications regarding notes eligible for investment of county inactive moneys and money in the public library fund.

## **Government Accountability & Oversight:**

**HB 41**

**VOTER REGISTRATION** (Pelanda, D.) To modify the law concerning challenges to voter registrations, the appointment of observers, and the procedures for processing absent voter's ballots and for casting absent voter's ballots in person.

## **Health:**

**HB 45**

**MONTH DESIGNATION** (Sprague, R.) To designate May as "Neurofibromatosis Awareness Month."

## **State & Local Government:**

**HB 39**

**SNOW REMOVAL** (Arndt, S., Gavarone, T.) To authorize certain townships to require the removal of snow and ice from sidewalks abutting property.

**HB 40**

**STATE SPENDING** (Dever, J., Greenspan, D.) To require the Treasurer of State to establish the Ohio State Government Expenditure Database.

**HB 44**

**DAY DESIGNATION** (Patmon, B.) To designate May 24 as First Responders' Appreciation Day.

**HB 51**

**AGENCY REVIEWS** (Faber, K.) To require standing committees of the General Assembly to establish a schedule for the periodic review and sunset of state departments that are currently in the Governor's cabinet, and to require that Auditor of State performance audits be scheduled to coincide with the periodic review.

## **Transportation & Public Safety:**

**HB 43** ■ **ROAD NAMING (DeVitis, T.)** To designate the portion of State Route 93 in New Franklin as the "PFC Burt "Rusty" Miller Memorial Highway."

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## Ways & Means:

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**SB 22** ■ **TAX LAWS (Peterson, B.)** To expressly incorporate changes in the Internal Revenue Code since February 14, 2016, into Ohio law.

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## COMMITTEE HEARINGS

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### Ways & Means

**HB 11** ■ **TAX LAWS (Scherer, G.)** To expressly incorporate changes in the Internal Revenue Code since February 14, 2016, into Ohio law. (REPORTED; 2nd Hearing-All testimony-Possible vote)

The bill was reported unanimously after sponsor Rep. Scherer recapped its provisions, which serve to align state law with federal changes impacting adjusted gross income for tax filing purposes.

Rep. Scherer reiterated the importance of a speedy processing of the bill, which could pick up an emergency clause on the floor. He said tax returns are already being prepared in anticipation of the changes.

### Financial Institutions, Housing & Urban Development

**HB 35** ■ **BANKING LAW (Hughes, J.)** For the purpose of enacting a new banking law for the State of Ohio. (CONTINUED; 1st Hearing-Sponsor)

Sponsor Rep. Hughes said the bill is nearly identical to legislation that passed the Senate last year (SB317, 131<sup>st</sup> General Assembly). The measure would constitute the first comprehensive update to the state's commercial bank statute since 1995, and much of the code dealing with banking hasn't been updated since the 1980s, he said.

"This legislation, if enacted into law, would increase regulatory robustness within the state banking regulator, the Ohio Division of Financial Institutions, by condensing three chapters of the ORC into one and creating a new 'universal' charter that combines the strongest characteristics of the existing charters," Rep. Hughes said. "This, combined with streamlined governing boards, would also decrease overhead costs of examinations and training."

Key changes include acknowledging electronic banking, referencing provisions of the General Corporation Law that are applicable to banks, expanding what is deemed privileged and confidential to include information obtained as a result of the supervision of a bank and providing for a capital restoration plan if a bank is undercapitalized.

Rep. Sprague asked whether the bill was brought up to deal with issues, a focus in Washington, regarding consumer financial protection. Rep. Hughes said the goal was to update the state's laws to be in line with modern banking practices.

"What this is doing is bringing it up to speed with regards to what the technology is, as well as updating the safeguards," he said. "The laws are good on the books, but they unfortunately haven't been updated with technology."

## Finance

### HB 26

**TRANSPORTATION BUDGET (McColley, R.)** To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of those programs.

(CONTINUED (See separate story); 2nd Hearing-All testimony)

### HB 49

**BIENNIAL BUDGET (Smith, R.)** To provide authorization and conditions for the operation of state programs. (CONTINUED (Referred earlier to Finance; See separate story); 5th Hearing-Sponsor-Pending referral)

Subscriber's note: Full testimony is available on the [committee's website](#) under Feb.14.

## Criminal Justice

### HB 19

**DRUG PRODUCTION (Blessing, L., Landis, A.)** To include recklessly causing, by means of fire or explosion, physical harm to the offender's or another person's motor vehicle, house, building, or other structure, or to any other property of another person, while manufacturing or attempting to manufacture a controlled substance, as a violation of the offense of arson.

(CONTINUED; 1st Hearing-Sponsor)

Rep. Blessing, also speaking on behalf of cosponsor Rep. Landis, said a fire chief in his district broached the idea for the bill after a fire caused by methamphetamine manufacturing. In that case, the prosecutor opted to pursue only a criminal manufacturing charge rather than an additional arson charge because of a lack of clarity in current law. In other areas of the state, prosecutors have applied both charges based on their own interpretation of the law, Rep. Blessing said.

"This bill will clarify that a person manufacturing a controlled substance can be charged with arson in addition to drug manufacturing charges when a fire or explosion occurs to property," Rep. Blessing said. "Property will be considered the offender's, or another person's, house, vehicle, building, or another structure."

A violation would be a first degree misdemeanor under the bill unless the value of the property harmed or physical harm caused is greater than \$1,000, in which case it would be a fourth degree felony.

### HB 30

**PRISON TERMS (Koehler, K.)** To require an additional prison term of 3 to 8 years for an offender who is convicted of or pleads guilty to a felony offense of violence if the offender is convicted of or pleads guilty to a specification that the victim suffered permanent disabling harm and that the victim was under 6 years of age at the time of the offense. (CONTINUED; 1st Hearing-Sponsor)

Rep. Koehler said the bill, dubbed "Destiny's Law," follows an assault 11 years ago against then one-year-old Destiny Shepard who was violently shaken and thrown against a wall by her mother's boyfriend.

Although the child, now 12 years old, suffers permanent disabling brain injuries, her assailant was only able to be sentenced for up to eight years in prison for felonious assault. He has since been released while Destiny serves a "life sentence" due to her injuries, Rep. Koehler said.

The bill - and its Senate companion (SB 20), which also received a first hearing Tuesday - would require the court to impose an additional mandatory prison term of between 3-8 years if an individual is convicted of or pleads guilty to a felony violence offense against a victim under the age of six. Permanent disabling injuries would also be taken into account.

"While we can often disagree on many issues in the Ohio General Assembly, one thing I believe we can all agree on is that we must protect the children of Ohio," Rep. Koehler said. "As you know, these crimes often involve very young and vulnerable victims who are unable to protect themselves. Along with Sen. (Bob) Hackett, it is my hope that with this increased penalty we can prevent and help deter another tragic case like Destiny's."

Asked by Rep. Johnson where the threshold of six years old came from, Rep. Koehler said sponsors arrived at that number after considering child brain development and self defense abilities.

- HB 32**      **CASINO EMPLOYEES (Seitz, B.)** To specify that the criminal penalty related to casino operators and employees participating in casino gaming applies at their casino facility or an affiliated casino facility. (**REPORTED (See separate story)**; 2nd Hearing-All testimony-Possible vote)
- HB 4**      **COCAINE OFFENSES (Cupp, R., Rogers, J.)** To provide that in determining the amount of cocaine for trafficking and possession offenses, it also includes a compound, mixture, preparation, or substance containing cocaine, and to declare an emergency. (**REPORTED-AMENDED (See separate story)**; 2nd Hearing-All testimony-Possible amendments & vote)
- HB 6**      **CRIMINAL RECORDS (Barnes, J.)** To prohibit a person who publishes or disseminates criminal record information from soliciting or accepting a fee to remove, correct, modify, or refrain from publishing or otherwise disseminating the information and to provide criminal and civil remedies for a violation of the prohibition. (**CONTINUED; 1st Hearing-Sponsor**)

Rep. Barnes asked members to imagine a constituent being arrested and not charged but losing out on job opportunities because the arrest information is on the Internet. Then the company that posted it wants a payment for its removal.

"When they publish that information it can ruin the reputation of individuals who were never charged and not convicted based on law," he said. "As legislators we have a responsibility to ensure the letter of the law is followed and not abused. There are abuses in this case and we hope HB6 can remedy those abuses."

In the mind of a potential employer, he argued, an arrest or mugshot can be virtually the same as a conviction.

"At the end of the day...our focus collectively is to try to help as many Ohioans gain gainful employment and advance the growth of the economy," he said. "This inhibits people's ability to get jobs if this information is false out there."

The bill is similar to Rep. Barnes's previous measure (HB172, 131<sup>st</sup> General Assembly), which passed the House last year and was amended and passed by the Senate. The House ultimately did not take a concurrence vote on the Senate version.

Rep. Johnson questioned whether the bill would unintentionally prevent clerks of court from charging expungement fees.

"I do understand the difference between sealing and expunging and this does not make it clear to me," she said. "But I understand your intent and I applaud it."

Rep. Barnes said he is willing to discuss the issue further but that he has received only support from clerks who have weighed in on the bill's drafting.

"We're not questioning whether the publishing of this information is right or wrong base on the arrest record," he replied. The bill instead targets "people who go out...and gather this data and use it for profit to harm people's reputation," he said.

**Subscribers Note:** For full testimony, see the [committee's website](#) under Feb. 14.

#### Economic Development, Commerce & Labor

**HB 2** **CIVIL RIGHTS LAWS** (Seitz, B.) To modify Ohio civil rights laws related to employment. (CONTINUED (See separate story); 1st Hearing-Sponsor)

#### State & Local Government

**HB 12** **OFFICIAL STATE STRUCTURE** (Gonzales, A.) To designate the barn as the official historical architectural structure of the state. (CONTINUED; 1st Hearing-Sponsor)

This legislation will designate the barn as an official historical architectural structure, Rep. Gonzales said in sponsor testimony.

The bill is the work of five students from the Westerville City Schools Gifted Education Program. These students felt strongly that the barn should be designated the official historical architectural structure of the state of Ohio, she said.

"I believe that it is important to cherish and preserve the architectural relics that are such an important part of our rural heritage," Rep. Gonzales said.

In response to Chairwoman Anielski's inquiry, Rep. Gonzales said that the barn would be the first architectural structure categorized as a historical structure in Ohio and that the eighth grade students who approached her intend to give testimony at a later hearing.

Rep. Perales commended Rep. Gonzales for her efforts to engage students.

**HB 31** **GOVERNMENT CONTRACTING** (Cupp, R.) To abolish the Government Contracting Advisory Council. (CONTINUED; 1st Hearing-Sponsor)

This bill will abolish the Government Contracting Advisory Council that has become a useless exercise in bureaucracy, Rep. Cupp said in his testimony.

The Government Contracting Advisory Council has 21 members from the government and private sector who give input on the rules for government contracting.

Since its establishment in 2005, the council has met biennially to review rules that have been adopted. However, no business has ever been conducted at these meetings, he said.

"In theory, the council would provide useful guidance, but what may seem good in theory sometimes does not exist in reality. That's the situation here," Rep. Cupp said.

He said members have questioned the need for the council at each meeting, and have encouraged the abolishment of the body to save valuable time.

Rep. Bishoff said that often past errors are the rationales for current procedures and asked what the original reason was for creating the council in 2005.

Rep. Cupp responded that in 2005 there were problems with record keeping and contract solicitation. At the time, there was concern about how stringent regulations would be, so the Council was enacted to give input on the government rules. Since then, reasonable federal procedures have been adopted, so there is no need to review them by a council.

Rep. Goodman thanked Rep. Cupp for bringing a bill that is not in favor of "more government."

No direct monetary costs are associated with council meetings, rather the cost of valuable time, Rep. Cupp said in response to Rep. Perales' question.

As a member of the Council, the Director of Medicaid is required to present reports to the body. Given the potential changes to Medicaid, Rep. Boyd asked if now is a good time to abolish a mechanism that can help the legislature learn about the impact of those changes. Rep. Cupp replied that the Joint Committee on Medicaid receives the majority of the reports, and he was unsure of how many reports were received by the council. At Rep. Boyd's request, he said that he would find out.

**HB 34**      **PUBLIC NOTICES (Hambley, S., Ryan, S.)** To authorize certain state agencies, local governments, and other boards, commissions, and officers to deliver certain notices by ordinary mail and electronically instead of by certified mail. (CONTINUED; 1st Hearing-Sponsor)

The legislation revises the requirements for county, local and state governments to send official notices via certified mail, sponsor Rep. Hambley said.

The purpose of certified mail is to provide an indisputable record that the notice was delivered or attempted to be delivered to the recipient.

Rep. Hambley said that many state, county and local governments have found this requirement to be a redundant and expensive method for verifying delivery.

In Cuyahoga County alone, 85% of certified mail notices are returned or undeliverable, he said. At \$5 per parcel, that amounts to \$500,000 per year.

The bill replaces the "certified mail" requirement with "either by certified mail or if the board has record of an internet identifier associated with the holder, by ordinary mail and by that internet identifier of record" for certain official notices, Rep. Hambley said.

Designating that an "internet identifier of record" should have been provided by the intended recipient addresses the due process issues that were raised by the last general assembly, he said.

"Let's allow our government agencies to save taxpayers money by using electronic mail and internet based communications under specific circumstances rather than rely primarily upon

costlier certified mail services dating back to the 1950s to achieve the same purpose," Rep. Hambley said.

Chairwoman Anielski asked why there is no official estimate of the savings the bill would provide when there is one for Cuyahoga County.

Rep. Hambley replied that the bill gives discretion to local, county and state governments to choose to use certified mail or other methods for certain circumstances. So at this point it is difficult to quantify the savings.

Rep. O'Brien asked for clarification on when certified mail can be used and when it cannot. The bill makes the certified mail requirement analogous to choosing how one prefers to receive a credit card bill, either online or by mail, Rep. Hambley clarified for Rep. O'Brien. Rep. O'Brien asked how governments would be notified that a message was received when using methods other than certified mail.

There are various ways to document if a message has been received in addition to a lack of rejection, Rep. Hambley said. The expertise of IT departments will be necessary.

In response to Rep. Goodman's inquiry if a bill or state law exists that protects the privacy of emails, he said an email must be provided by the person/entity that is being served the official notice by email.

**HB 5**      **MICROBUSINESSES (Pelanda, D., Gavarone, T.)** To create a statutory definition of "microbusiness." (CONTINUED; 1st Hearing-Sponsor)

Microbusiness would be defined under the bill as an "independently owned and operated for-profit business entity, including any affiliates, that has fewer than 20 full-time employees or full-time equivalent employees and is located in this state," Rep. Pelanda explained in sponsor testimony.

She said the current definition of "small business" in state law covers enterprises with up to 400 workers, leaving a huge gap in terms of how the businesses are characterized for purposes of seeking loans and other interactions with governments. Under the Small Business Advisory Council definition small businesses are those with fewer than 500 employees.

"The reason for defining "Microbusiness" is to properly recognize that 97% of small businesses in Ohio (according to US Small Business Administration statistics) would fall under the verbiage created with this bill," Rep. Pelanda said. "Microbusinesses add value to our economy by creating jobs, enhancing income, strengthening purchasing power, lowering costs and adding business convenience, yet they typically have limited access to commercial lending."

The sponsor said that with a "formal recognition in the ORC as a first step, further actions can be taken in future legislation to address issues specific to this wide array of business entities in Ohio."

Rep. Gavarone added that the bill would allow for "future proposals to be introduced that could help these businesses to grow, hire more people, lower costs and increase the overall strength of the communities that they serve."

Chairwoman Anielski asked if smaller businesses were having trouble getting loans. Rep. Pelanda said that under the current definition they are going up against relatively large corporations with more resources, putting them at a disadvantage in that regard.

**Presentations to the Committee:** The County Commissioners Association of Ohio gave a presentation on the services provided by the organization to members of the General Assembly and county officials.

The organization works to provide county official with tools and information to provide citizens with efficient and effective county government, the representative said in the presentation.

The CCAO is an arm of state government at local and county level, delivering justice and public safety, child protective services, and maintaining roads and bridges, the representative said.

Following the CCAO, the Ohio Township Association presented on the services it offers to its members.

The OTA provides members with bimonthly magazines, multiple educational brochures about the importance of township government, and an annual conference with over 90 educational sessions and a trade show, the OTA representative said.

The group also works with local school districts and facilitates the Ohio Township Leadership Academy for local officials, she said.

A separate presentation was given about the Ohio Municipal League.

The Ohio Municipal League is a nonprofit organization that testifies before committees and suggests amendments on behalf of municipalities and members, said Kent Scarrett, executive director of OML. OML is a part of the national league of cities, and represents 733 of the 931 municipalities in Ohio, he said.

Mr. Scarrett told the committee that OML is very excited about its new Ohio Municipal Energy Aggregation Program and that it is an important time for the state to reengage in municipality infrastructure.

Rep. Boyd thanked Mr. Scarrett for the presentation and said that she had recently used information provided by OML for her district.

## **Education & Career Readiness**

**HB 21** **COMMUNITY SCHOOLS (Hambley, S.)** Regarding verification of community school enrollments. (**CONTINUED (See separate story)**; 1st Hearing-Sponsor)

**HB 37** **SCHOOL FACILITIES (Arndt, S.)** To require the Ohio School Facilities Commission to establish a program assisting school districts in purchasing technology and making physical alterations to improve technology infrastructure and school safety and security. (**CONTINUED (See separate story)**; 1st Hearing-Sponsor)

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## HOUSE E-CLIPS

2/15/2017



### **ARE LOCAL RESOURCES ENOUGH TO COMBAT OHIO'S OPIOID EPIDEMIC?**

Roger T. Winemiller lost his sister to a heroin overdose the night before Easter last year.

### **TRUMP MAY SHRINK EPA, BUT EFFECTS IN OHIO TO BE DELAYED**

President Donald Trump's first few weeks have left Washington disoriented and environmentalists worried.

### **OHIO HOUSE DEMS SAY GOP TAX CUTS AREN'T WORKING**

House Democrats say Ohioans need to wake up and realize the Republican tax plans passed over the past decade have not been working to create jobs.

### **MOST VOCATIONAL SCHOOLS WOULD LOSE FUNDING UNDER KASICH PROPOSAL**

Like Ohio's libraries and K-12 school districts, vocational schools soon could be feeling the squeeze of Ohio's tightening purse strings.

### **LATEST STUDY: OHIO-STYLE MEDICAID MAY SAVE \$1B A YEAR**

Even if your eyes glaze at the mere mention of Medicaid, this might widen your peepers: Ohio's revamped setup is saving taxpayers \$1 billion annually — and the amount is growing.

### **OHIO NURSES WANT LAW LIMITING NURSE-PATIENT RATIOS**

Arguing that hospitals put patient care at risk by overworking essential front-line caregivers, nurses across Ohio are pushing lawmakers to limit the number of patients for whom they are responsible.

### **EDUCATION INSIDER: SOME IN COLUMBUS SCHOOLS DATA-RIGGING SCANDAL**

#### **YET TO BE PUNISHED**

Will the state Department of Education ever discipline dozens of Columbus City Schools principals and other administrators who participated in the district's data scandal?

### **THE DAILY BRIEFING: ROB SECAUR NEW EXECUTIVE DIRECTOR OF OHIO GOP**

The Ohio Republican Party has a new person in charge of the day-to-day operations.

### **THE DAILY BRIEFING: JOANNA SAUL HIRED AS PLANNED PARENTHOOD STATE**

#### **LEGISLATIVE LIAISON**

Joanna Saul has a new job with Planned Parenthood of Greater Ohio as vice president of government affairs and public advocacy.

## **Dayton Daily News**

[www.daytondailynews.com](http://www.daytondailynews.com)

### **2 REASONS ONE DEMOCRAT SAYS ‘OHIO IS GOING IN A TERRIBLE DIRECTION’**

Ohio Democratic Party Chairman David Pepper will visit Butler County tonight to talk about the upcoming statewide political cycle.

### **WEST CHESTER WEIGHS IN ON OHIO’S ‘RIGHT-TO-WORK’ LEGISLATION**

West Chester Twp. trustees say it would be great if Ohio turned into a “right to work” state, because then the township wouldn’t have to.

## **THE PLAIN DEALER**

### **TALK IT OUT: SHOULD OHIO BECOME A 'RIGHT TO WORK' STATE?**

Legislation has been introduced for a second time that would allow Ohio to join the growing ranks of states limiting union membership and collective bargaining. The measure was placed before state lawmakers Monday.

### **CURSIVE HANDWRITING BACK IN SCHOOLS? SOME LEGISLATORS WANT TO**

#### **REQUIRE IT**

Some state legislators have renewed efforts from two years ago to bring cursive handwriting back to Ohio's elementary schools.

### **JOSH MANDEL'S SENATE CAMPAIGN NAMES PORTAGE COUNTY CHAIRWOMAN - - BUT IT'S NEWS TO HER**

Senate candidate Josh Mandel's announcement that he had recruited campaign chairs in each of Ohio's 88 counties caught at least one person by surprise: Janet Esposito, the woman he listed as leading the charge for him in Portage County.

### **OHIO TEACHERS WOULD HAVE TO JOB SHADOW AT A BUSINESS TO RENEW LICENSES UNDER GOV. JOHN KASICH'S BUDGET**

Ohio teachers would have to job shadow someone in a local business to renew their licenses under a provision in Gov. John Kasich's state budget proposal.

### **SUPERINTENDENTS: CUT STATE TESTS, END A'S AND F'S ON STATE REPORT CARDS**

The state should stop grading schools and school districts with A through F grades, while also cutting the amount of state tests and making sure the tests help teachers teach students better, a group of local superintendents says.

## **ED FITZGERALD STILL HAS MONEY IN HIS CAMPAIGN ACCOUNT. HERE'S HOW HE HAS BEEN SPENDING IT**

Ed FitzGerald, the former Cuyahoga County executive who has kept out of the public eye since an unsuccessful bid for governor more than two years ago, continues to draw from a campaign account that started 2017 with a balance of nearly \$85,000.

## **STATE IS IGNORING THE PUBLIC'S WISHES IN ITS ESSA PLAN, 10 LOCAL SUPERINTENDENTS SAY**

A group of local superintendents and other educators questioned Monday the Ohio Department of Education's avoidance of any real changes the public sought in its proposed state education plan under the federal Every Student Succeeds Act (ESSA).

## **BID TO BAN OHIO SANCTUARY CITIES A CRAVEN POLITICAL PLOY: EDITORIAL**

What does it mean to be a sanctuary city? To Ohio Treasurer Josh Mandel, it seems, nothing more nor less than another stepping stone to higher office.

# **THE ENQUIRER**

## **KASICH: TEACHERS SHOULD JOB SHADOW WITH BUSINESSES TO RENEW LICENSES**

Teachers would have to complete "externships" – essentially, a high-level job shadow – with a local business to renew their licenses under a provision in Gov. John Kasich's budget proposal.

## **JOHN KASICH WOULD BLOCK ACCESS TO HEROIN DEATH REVIEWS**

Gov. John Kasich's budget would give counties a new way to review drug overdose deaths, but many components of those investigations into Ohio's drug epidemic could be shielded from public view.

## **OHIO DEMS HUNGRY FOR 2018 WIN, BUT IN LIMBO ON GOVERNOR'S RACE**

Ohio Democrats have no shortage of "maybes" lining up for the 2018 governor's race, with a dozen candidates pondering a bid.

# **THE BLADE**

## **MANDEL LISTS CAMPAIGN LEADERS FOR SENATE BID**

Republican Senate candidate Josh Mandel has named campaign chairmen for his planned 2018 U.S. Senate run in every county.

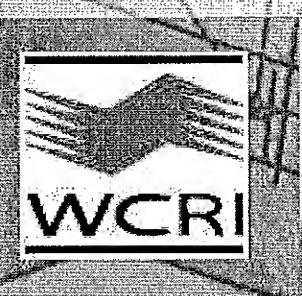
## **SECAUR NAMED GOP EXECUTIVE DIRECTOR**

Ohio Republican Chairman Jane Timken appointed Rob Secaur as the state party's new executive director.

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 **Workers Compensation Research Institute**  
*Where Research Is a Catalyst for Constructive Change*

**Good morning,**

The latest opioid prescribing trends, first-hand accounts of how states are combating the opioid epidemic, and alternatives to opioids will be discussed during WCRI's 33rd Annual Issues & Research Conference, March 2-3, 2017, at the Westin Copley Place Hotel in Boston, MA.

**"The dangers of prescription drug misuse resulting in death and addiction constitute a top public health problem in the United States and the workers' compensation community," said WCRI CEO John Ruser. "We believe these two sessions that combine research and what is happening on the ground will be of great value to our audience."**



The first session discusses WCRI's latest research on interstate variations and trends in the use of opioids for workplace injuries across 25 states. It also features senior policymakers from two states, Massachusetts and Kentucky, who will share initiatives taken by their states to combat the opioid epidemic, prevent inappropriate opioid use, and provide help for those battling addiction.

The second session will discuss two emerging alternatives to opioids: marijuana and evidence-based non-pharmacological treatments, including mindfulness-based and cognitive behavioral approaches. The latest research on these alternatives will be discussed as well as first-hand accounts from senior policymakers in Maine and Colorado on what it is like to manage a program treating injured workers with marijuana, which is very new and federally illegal.

The WCRI conference is a leading workers' compensation forum for policymakers, employers, labor advocates, insurance executives, health care organizations, claims managers, researchers, and others. The two-day program highlights WCRI's latest research findings while drawing upon the diverse perspectives of highly respected workers' compensation experts and policymakers from across the country.

**If you have not registered yet, you only have two weeks left. Don't miss this opportunity to elevate your career, expand your knowledge, and network with the 150+ organizations already attending.**



Register Now

P.S., Please note that there is an event the day before our conference being held by the Alliance for Women in Workers' Compensation on Mental Health and Workplace Wellbeing. These are separate events held at neighboring hotels, so you will need to register for each separately.

STAY CONNECTED



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**Subject:** Press statement: Policy Matters applauds withdrawal of Puzder nomination

# Policy Matters Ohio

For immediate release  
Contact Hannah Halbert  
614.397.6080

## Policy Matters applauds withdrawal of Puzder nomination

US Department of Labor oversight needed to protect Ohio workers

Policy Matters Ohio joined with community advocates and workers to oppose the nomination of CKE Restaurants CEO Andrew Puzder as Secretary of Labor. Puzder's decision to step down is good news for Ohio workers who depend on the US Department of Labor to protect their rights.

"The Ohio legislature recently barred cities and other municipalities from improving upon state wage and hour laws," said Policy Matters Researcher Hannah Halbert. "With only six state investigators Ohio has one of the most poorly staffed wage and hour divisions in the nation. Because the legislature has failed to address these gaps, much is left to the federal Department of Labor. With his poor record as a fast food CEO, Andy Puzder couldn't be trusted to protect the safety and pocketbooks of our friends and neighbors."

Halbert called on the Trump administration to now nominate a true advocate for workers, someone with a record of standing up for working people, supporting unionization and encouraging better jobs.

"Puzder's withdrawal is a victory for working Ohioans," Halbert said. "Workers deserve a true worker advocate at the helm of the Department of Labor."

[Read press statement online](#)

###

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## NEWS

**Ohio bill: Kill the tampon tax (Cincinnati Enquirer, 2/16/2017)**

**Andrew Puzder, Trump's Cleveland-born labor secretary nominee, withdraws amid controversy (Cleveland Plain Dealer, 2/16/2017)**

**Gov. John Kasich headed for Germany, England (Cleveland Plain Dealer, 2/16/2017)**

**Marsy's Law for Ohio begins campaign for crime victim ballot initiative (Cleveland Plain Dealer, 2/16/2017)**

**Ohio congress members Marcia Fudge, Tim Ryan back Jaime Harrison of SC for DNC chair (Cleveland Plain Dealer, 2/16/2017)**

**Talk it out: Should Ohio become a 'right to work' state? (Cleveland Plain Dealer, 2/16/2017)**

**Sherrod Brown, 10 other senators, call for special investigation of Flynn (Columbus Dispatch, 2/16/2017)**

**Sherrod Brown, Ohio labor leader glad that Puzder withdrew (Columbus Dispatch, 2/16/2017)**

**The Daily Briefing: It's official, Portman supports Gorsuch for Supreme Court (Columbus Dispatch, 2/16/2017)**

**The Daily Briefing: Kasich talking security, jobs in Germany, United Kingdom (Columbus Dispatch, 2/16/2017)**

**Crime victims seek more rights and protections in Ohio constitution (Dayton Daily News, 2/16/2017)**

**Ohio working on marijuana 'seed to sale' tracking (Dayton Daily News, 2/16/2017)**

**Should Ohio schools start after Labor Day? (Dayton Daily News, 2/16/2017)**

**Some speed limits in Ohio may change daily depending on traffic (Dayton Daily News, 2/16/2017)**

**Ohio clears wording of cocaine sentencing (Toledo Blade, 2/16/2017)**

## **EDITORIALS**

**Trump, Flynn and the Russian link (Akron Beacon Journal, 2/16/2017)**

**Editorial: Enrollment drop is real problem (Columbus Dispatch, 2/16/2017)**

**Escaping DeVos (Toledo Blade, 2/16/2017)**

**We owe them (Toledo Blade, 2/16/2017)**

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## HOUSE E-CLIPS

2/16/2017



### GOV. JOHN KASICH HEADED FOR GERMANY, ENGLAND

Ohio Gov. John Kasich is headed to Europe on Thursday for a series of economic development and policy discussions with corporate CEOs and world leaders.



### LAWMAKER CALLS FOR STIFFER PENALTIES TO CRIMES THAT DISFIGURE

#### VICTIMS

She couldn't leave her hospital bed or even sit up, but burn victim Judy Malinowski let her family know that she just had the best Valentine's Day ever.

### THE DAILY BRIEFING: KASICH TALKING SECURITY, JOBS IN GERMANY, UNITED KINGDOM

JobsOhio is covering the tab for Gov. John Kasich to travel to Germany and the United Kingdom beginning Thursday.

### EDITORIAL: ENROLLMENT DROP IS REAL PROBLEM

Ohio has a huge workforce gap in the skilled trades, with business owners complaining that they simply can't find enough qualified candidates to fill available positions.



[www.daytondailynews.com](http://www.daytondailynews.com)

### CRIME VICTIMS SEEK MORE RIGHTS AND PROTECTIONS IN OHIO CONSTITUTION

Nearly 23 years ago, Ohio voters approved a constitutional amendment to guarantee that crime victims would be treated with dignity, fairness and respect in the judicial process.

### OHIO TAXES ON TAMPONS, FEMININE PRODUCTS UNDER FIRE

Sales taxes on tampons and other feminine hygiene products should be dropped because these are essential healthcare items, according to two Democratic lawmakers.

### **VIDEO GAMES INDUSTRY GENERATE \$43M IN OHIO**

The video game industry is seeing a rapid increase in revenue, generating more than \$43 million in Ohio and supporting more than 610 jobs statewide.

### **SHOULD OHIO SCHOOLS START AFTER LABOR DAY?**

Ohio K-12 schools would have to hold a public hearing and vote if they want to open before Labor Day, if a bill currently in the Ohio Senate becomes law.

## **THE PLAIN DEALER**

### **MARSY'S LAW FOR OHIO BEGINS CAMPAIGN FOR CRIME VICTIM BALLOT**

#### **INITIATIVE**

A proposed Ohio constitutional amendment granting rights to crime victims has the support of a bipartisan coalition of prosecutors, law enforcement officials and advocacy groups.

## **THE ENQUIRER**

### **OHIO BILL: KILL THE TAMPON TAX**

Two state legislators, including a Cincinnati Democrat, want to eliminate the "pink tax" – the sales on feminine hygiene products.

## **THE BLADE**

### **OHIO CLEARS WORDING OF COCAINE SENTENCING**

Lawmakers wasted little time in moving to reverse an Ohio Supreme Court ruling that determined prosecutors must prove the weight of actual cocaine, and not fillers such as baking soda, to justify stiffer sentences for possession and trafficking.

### **EDITORIAL: WE OWE THEM**

A violent offender registry proposed by state Sens. Randy Gardner (R., Bowling Green) and Cliff Hite (R., Findlay) is not a panacea for all violent crime in Ohio, but it is a potential tool for saving lives.

**From:** Policy Matters Ohio  
**Sent:** Thursday, February 16, 2017 2:36 PM  
**To:** Rep76  
**Subject:** Press statement: Nomination of Acosta for Secretary of Labor a likely improvement



For immediate release  
Contact Hannah Halbert  
614.397.6080

## Nomination of Acosta for Secretary of Labor a likely improvement

### Vetting needed, but new nominee appears friendlier to workers

After the failed nomination of Andrew Puzder for Secretary of Labor, the Trump administration put forward Alexander Acosta, dean of the Florida International University College of Law and former assistant attorney general for the Civil Rights Division under President George W. Bush. Policy Matters Ohio sees this move as a step in the right direction for working people.

"Rigorous vetting is still needed but unlike Puzder, Acosta does not appear to be a nominee bent on dismantling the institution he is set to lead," said Hannah Halbert, researcher with Policy Matters Ohio. "The Department of Labor must be dedicated to welfare and safety of wage-earners. Not their bosses."

Ohioans value worker rights. The state overwhelmingly voted down laws that sought to restrict collective bargaining and voted in support of a state constitutional amendment that increased and indexed the minimum wage. As hearings begin, working people of Ohio will want to know where Acosta stands on these issues. Policy Matters will look for evidence that Acosta will work for safe and healthy workplaces, more and better jobs, and a better life for working people in Ohio and the United States.

[Read press statement online](#)

###

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**From:** Shamblin, James  
**Sent:** Friday, February 17, 2017 3:02 PM  
**To:** Rep37  
**CC:** Roegner, Kristina  
**Subject:** COMMITTEE NOTICE: The House Committee on Federalism and Interstate Relations



### **Announcement of Committee Meeting**

**COMMITTEE:** The House Committee on Federalism and Interstate Relations

**CHAIR:** Kristina D. Roegner

**DATE:** Tuesday, February 21, 2017

**ROOM:** Statehouse Room 115

**TIME:** 4:00 PM

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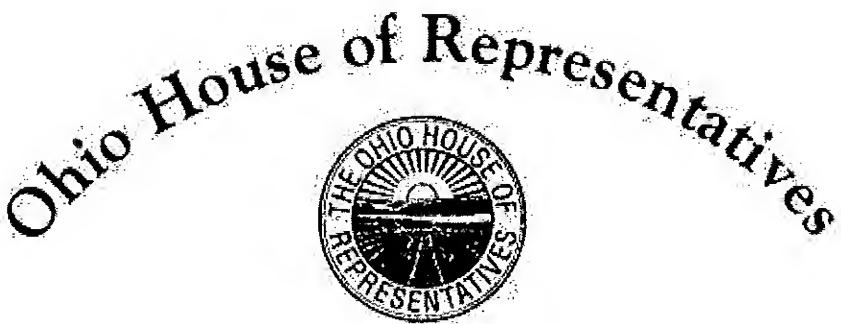
Committee Agenda:

1. Committee and Member Introduction
2. Appointment of Committee Secretary
3. Adoption of Committee Rules
4. Presentation: Introduction and overview of Federalism from Daniel J. Dew of the Buckeye Institute and Peter Shane from The Ohio State University, Moritz College of Law.

The Chair respectfully requests that testifying parties submit testimony to her office **24 hours prior to committee.**

Testimony can be submitted to: [james.shamblin@ohiohouse.gov](mailto:james.shamblin@ohiohouse.gov)

**From:** Miller, Josh  
**Sent:** Friday, February 17, 2017 4:12 PM  
**To:** Members\_All; Staff\_All  
**Subject:** Co-sponsor Request: Private Sector Right to Work



**Tom Brinkman, Jr.**  
*State Representative, 27<sup>th</sup> District*  
**MEMORANDUM**

**To:** All House Members  
**From:** Representative Tom Brinkman, Jr.  
**Date:** February 17<sup>th</sup>, 2017  
**RE:** Private Sector Right to Work

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I will soon be introducing Private Sector Right to Work legislation. Our neighboring states of Michigan, Kentucky, West Virginia, and Indiana have passed Right to Work, and it is long overdue here in Ohio.

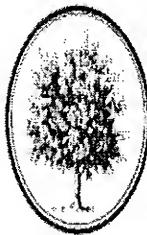
This important bill will help make Ohio businesses more competitive and prosperous by eliminating forced union dues and memberships. **No one should be forced to pay a union to get or keep a job.**

If you are interested in co-sponsoring please contact my legislative aide Josh Miller at 614-644-6886 or [Josh.Miller@ohiohouse.gov](mailto:Josh.Miller@ohiohouse.gov) by the close of business on March 3<sup>rd</sup>.

Thank you,

**Tom Brinkman, Jr.**  
**Ohio House of Representatives**  
**District 27**

**From:** The Buckeye Institute  
**Sent:** Monday, February 20, 2017 9:04 AM  
**To:** Rep76  
**Subject:** Financial Literacy for Millennials event Thursday, Feb. 23

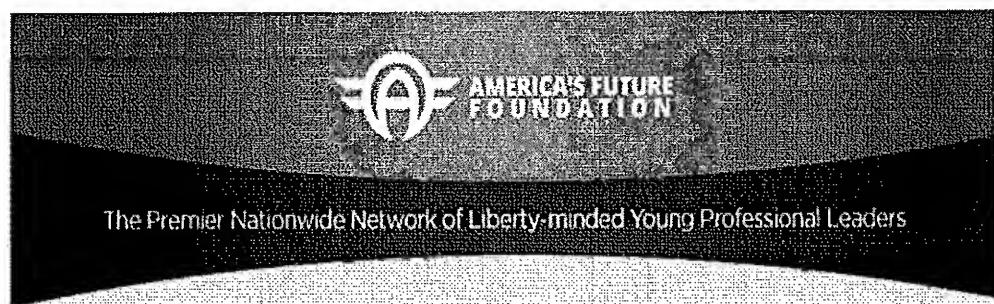


## THE BUCKEYE INSTITUTE

Valentine's Day was almost a week ago, and yet The Buckeye Institute is still all about sharing the love.

A fantastic organization that we work with from time to time--America's Future Foundation (commonly known as AFF)--is hosting a timely event featuring Buckeye's Board Vice Chairman and author Andrew O. Smith. Andrew will discuss his new book (Financial Literacy for Millennials: A Practical Guide to Managing Your Financial Life for Teens, College Students, and Young Adults) along with practical tips for getting your finances in order.

This event is geared to students, young professionals, and other millennials, but is open for everyone. A free introduction to financial literacy, plus drinks and snacks, and a chance to meet the author and ask your burning financial questions is hard to beat on a Thursday after work or school. Take it from us at The Buckeye Institute, Andrew O. Smith is a hit!



## Financial Literacy for Millennials

**Where:** The Athletic Club of Columbus, 136 East Broad Street, Columbus

**When:** 6pm-7:30pm on Thursday, February 23

**Cost:** Free--including free drinks and hors d'oeuvres!

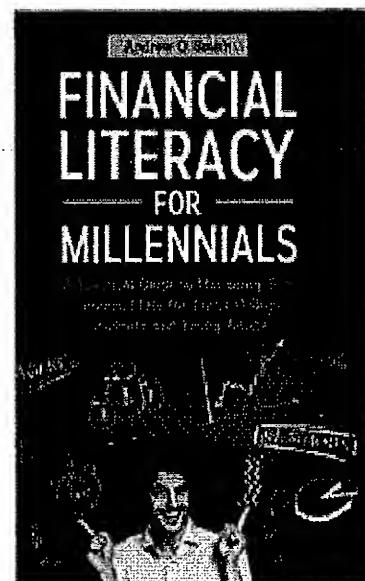
You are invited to join us for the relaunch of the Columbus chapter of America's Future Foundation! We are excited to bring together young professionals like you for networking, professional development, policy discussions, and dynamic events in Ohio's capital.

Join us as we hear from author Andrew O. Smith who'll discuss his newest book, *Financial Literacy for Millennials: A Practical Guide to Managing Your Financial Life for Teens, College Students, and Young Adults*. Smith will cover topics relevant to any young adult who is making independent financial decisions for the first time, including:

- \* student loan debt
- \* career planning
- \* entrepreneurship
- \* investments
- \* avoiding financial fraud
- \* saving for retirement, and more!

The book is a guide for you or anyone looking to gain a better grasp of how to make smart financial decisions.

Smith will discuss his book and participate in a Q&A session. RSVP by February 20th on AFF's Columbus chapter Facebook page or to [esther@americasfuture.org](mailto:esther@americasfuture.org).



**Click Here to RSVP**

# # #

Founded in 1989, The Buckeye Institute is an independent research and educational institution—a think tank—whose mission is to advance free-market public policy in the states.

The Buckeye Institute, 88 East Broad Street, Suite 1120, Columbus, OH  
43215

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Sent by [info@buckeyeinstitute.org](#)

**From:** NCSL TODAY  
**Sent:** Monday, February 20, 2017 10:53 AM  
**To:** Price, Ciara  
**Subject:** Obamacare repeal remains elusive

NCSL Today | Manage your subscription



## TOP NEWS Feb. 20, 2017

### Obamacare repeal remains elusive

*State Net Capitol Journal*

States have a big stake in the outcome, all the more so because the fate of Medicaid as well as the Affordable Care Act hangs in the balance.

### New Jersey joins states seeking to require presidential tax returns

*Associated Press*

President Donald Trump could be kept from the ballot in 2020 in more than a dozen states if he doesn't disclose his tax returns under state legislative measures. **NCSL data cited.**

### Indiana House OKs gas tax increase

*The Indianapolis Star*

The tax increase is part of a plan to raise an estimated \$1.2 billion a year targeted for road upkeep and construction.



The legislation would increase the tax from 18 cents to 28 cents initially, and then tie the amount to inflation, so it could continue to increase up to 1 cent a year.

## Court rejects Florida's 'Docs vs. Glocks' law

*The Miami Herald*

A controversial Florida law that restricted doctors from asking patients about firearm ownership violates medical professionals' constitutional right to free speech, a federal appeals court ruled Thursday.

## Iowa GOP passes bill opponents say will gut public unions

*Associated Press*

Public sector unions in Iowa will have less authority to negotiate working conditions for teachers, nurses and correctional officers under a bill passed Thursday in the new Republican-controlled Legislature that critics say is aimed at crippling organized labor in the state.

## Public lands dispute costs Utah a major trade show

*The Hill*

Dozens of corporations specializing in outdoor gear and recreation are pulling a flagship trade show out of Salt Lake City after state leaders reaffirmed calls to transfer federal public lands into state hands.

## Car sharing: state laws and legislation

Car sharing is a free market approach to mobility that can offer important mobility options for those who do not need or want to own a car, but who may need to use one for a few hours to grocery shop or visit a relative.



## 2016 child welfare legislation enactments

## School readiness and transitions

## Legislative staff training programs | Feb. 24



## What's new from Children and Families?

In FY2015, approximately 427,910 children and youth were in foster care in the U.S., representing the highest foster care caseload since 2008. In part, this increase is being attributed to the current opioid epidemic.



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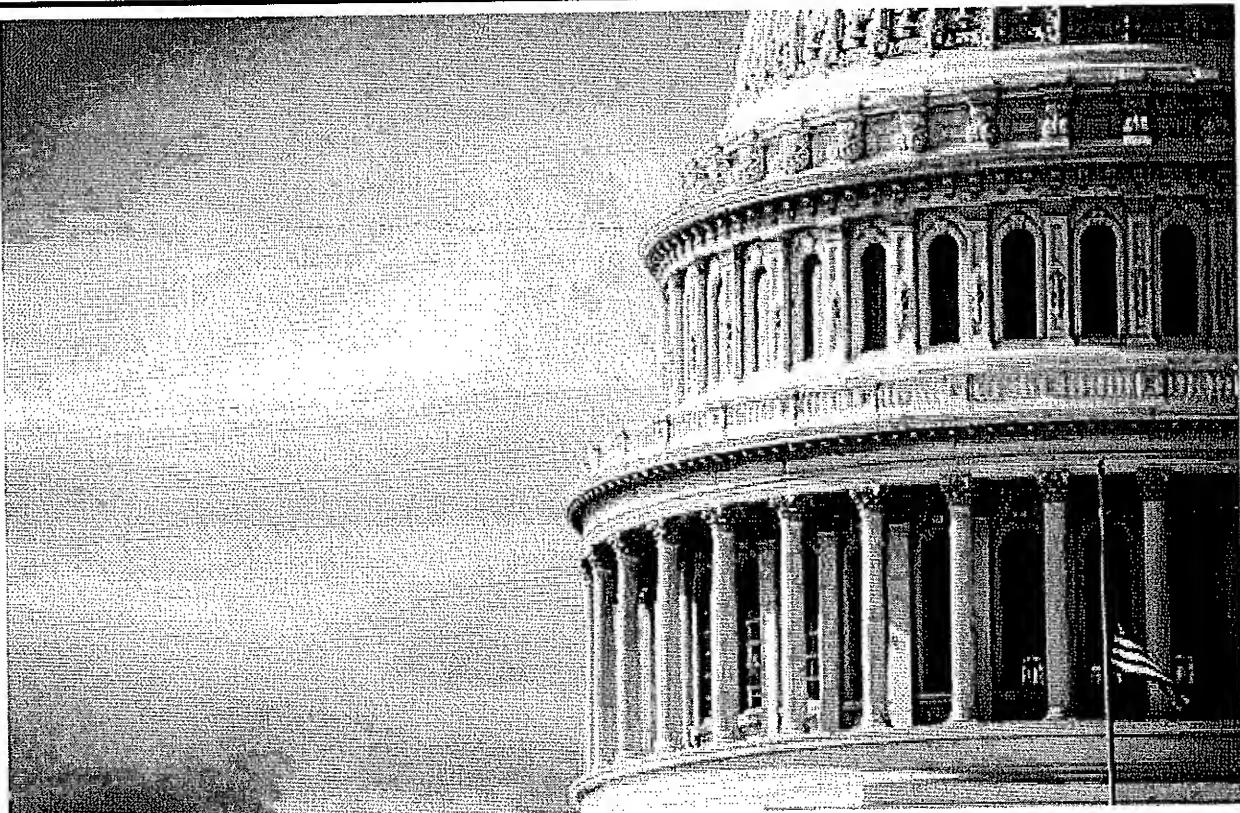
7700 East First Place, Denver, CO 80230

**From:** Max Behlke  
**Sent:** Monday, February 20, 2017 2:05 PM  
**To:** Rep76  
**Subject:** Capitol to Capitol: House GOP Releases Healthcare Framework Before Recess



# Capitol to Capitol

NATIONAL CONFERENCE of STATE LEGISLATURES



Feb. 20, 2017

## **House GOP Releases Healthcare Framework Before Recess**

Following a meeting with his conference and newly minted Health and Human Services Secretary Tom Price, House Speaker Paul Ryan announced last Thursday that Republicans will introduce legislation to repeal and replace the Affordable Care Act next week when Congress returns from this week's recess. But before members left town on Friday, Ryan distributed a 19-page memo that provides a broad roadmap for the Republican plan, which will also guide members' messaging as they meet with constituents in their districts this week.

Key elements of the replacement plan include modernization of Medicaid, utilization of state innovation grants, enhanced health savings accounts, as well as monthly tax credits. States will be closely following the Medicaid proposal, which, as proposed, would allow states to choose between a block grant or remain in the traditional, capped program. However, states that opted for Medicaid expansion in the ACA would eventually lose out on much of the federal funding for the expansion. It remains to be seen if the conference will be able to coalesce around a replacement law. We will soon find out. Stay tuned.

*NCSL Contact: Rachel Morgan*

## **The Many Lives of Tax Reform**

"It's going to be up, it's going to be down, it's going to be on, it's going to be off. You're going to report 150 stories on tax reform's fate between now and when we get tax reform done."

-Speaker Paul Ryan, Feb. 16, 2017

If the 1986 tax reform is any indication, if a comprehensive overhaul of the federal tax code ultimately finds its way the president's desk, it will likely have "died" many times along the way. So, as members of Congress publicly criticize more contentious provisions of the House Republican framework, such as the border adjustability proposal that is the linchpin of the plan, it is important to remember that tax reform is still a secondary issue in Washington. Until Republicans address healthcare, which is expected to be the central focus of Washington until late spring or early summer, tax reform will remain on the backburner.

That said, last week, President Donald Trump reiterated that a tax reform plan will be unveiled in the coming weeks. Administration officials have been working closely with their counterparts on the Hill on a tax reform package, which is a top priority both for Congress and the White House. Many

Republicans on Capitol Hill, however, are skeptical that the president has a comprehensive plan or that he will release one anytime soon. If the president does finish a plan in the near term, Republicans have signaled they hope that the president will keep it private for the time being in order to delay the inevitable criticism and debate that will follow its release.

Democrats, meanwhile, have been largely silent in the tax debate. Ways and Means Committee Democrats are even advising their caucus to take no position on tax reform until Republicans flush out the details of a plan themselves. Representative Richard Neal (D-Mass.) told Politico that "We have no idea [what legislation will look like], we haven't seen the package, as to what they intend to do, and I think there's likely to be three competing Republican proposals," he said referring to anticipated plans from the president, House, and Senate. "I don't think that we want to embrace anything specific until there's a chance to have some hearings on it."

NCSL Contacts: Max Behlke, Jake Lestock

D.Y.K.? The U.S. Constitution contains multiple spellings errors. However, the most glaring error was committed by Alexander Hamilton. As the members of the Convention prepared to sign the document, Hamilton took up a position beside the last of the four sheets, laid out for signing, and appears to have taken charge of the process as the delegates from each state came forward to sign. In this capacity, he wrote the name of each state at the left of the growing column of signatures. When he came to the largest state delegation, headed by Benjamin Franklin, he wrote "Pennsylvania." And thus the parchment reads today.

#### Hearing Announced for Supreme Court Nominee

The Senate Judiciary Committee has scheduled its confirmation hearing for Supreme Court nominee Neil Gorsuch for March 20. The hearing is expected to last three or four days.

#### NCSL Sends Letter on State Facilitated Retirement Plans

On Feb. 13, NCSL sent a letter to the House urging a "no" vote on a Congressional Review Act resolution to overturn the Department of Labor's final rule on "Savings Arrangements Established by States for Non-Governmental Employees." The resolution, which passed the House 231-193, overturns a rule that had removed uncertainty in federal law regarding state-facilitated retirement plans. This uncertainty had discouraged states from establishing IRA programs for workers who do not have access to workplace savings arrangements. NCSL wrote that:

"Eight states have enacted laws that will establish state-facilitated retirement plan and many other states are considering these plans for their state's private sector workers. Passage of H.J. Res. 66

will likely prevent states from establishing these innovative plans and will result in increased costs for federal and state budgets as tens of millions of Americans who depend solely on social security will increase dependency on other entitlement programs."

The resolution will now move over to the Senate, which, per the Congressional Review Act, has until early April to consider the resolution.

*NCSL Contacts: Max Behlke, Jake Lestock*

**D.Y.K.?** Two grandsons of John Tyler, the 10th president of the United States who, born less than year after George Washington was first inaugurated as president (1790), are still alive today: Lyon Gardiner Tyler Jr (92); Harrison Ruffin Tyler (88).

#### **Trump's Cabinet**

**Confirmations:** Representative Mick Mulvaney, who was confirmed to head the Office of Management and Budget last Thursday with a narrow 51-49 vote. The Senate also confirmed Scott Pruitt to be the Environmental Protection Agency Administrator, with another close 52-46 vote on Friday afternoon.

**New Labor Nominee:** After widespread criticism of his business record and personal background, Andrew Puzder withdrew his nomination to become Secretary of Labor last Wednesday. The administration was quick to find a replacement and **President Trump nominated the Dean of Florida International University College of Law, Alexander Acosta** on Thursday at the beginning of a press conference that lasted over an hour. Following a contentious first pick, many believe that Acosta, a former U.S. Attorney for the Southern District of Florida as well as a member of the National Labor Relations Board during the administration of George W. Bush, to be a safe selection and he will likely be confirmed in the upcoming weeks.

**Upcoming Votes:** Both the House and Senate will be out this week for the Presidents' Day recess, but Majority Leader Mitch McConnell (R-Ky.) filed cloture early last week on several other cabinet nominees. This sets up a series of nomination votes once the lawmakers return next Monday for Wilbur Ross for Commerce secretary, Representative Ryan Zinke (R-Montana) for Interior secretary, Ben Carson for HUD secretary and Rick Perry for Energy secretary.

## **Is Congress in Session?**

The tentative 2017 House and Senate and calendars can be found below.

• The House Calendar for 2017 can be found [here](#).

- The Senate Calendar for 2017 can be found [here](#).

The Feb. 13, 2017 Capitol-to-Capitol can be found [here](#).

If you have comments or suggestions regarding Capitol-to-Capitol, please contact [Max Behlke](#).

[Read More](#)

*Capitol to Capitol is a publication of the National Conference of State Legislatures, the premier bipartisan organization representing the interest of states, territories and commonwealths. NCSL is recognized as a formidable lobbying force in Washington, D.C. NCSL works to protect states from unfunded federal mandates and unwarranted federal pre-emption of state authority, and seeks to provide state legislatures the flexibility they need to innovate and be responsive to the unique needs of their residents. NCSL's advocacy is guided by the policy directives and resolutions adopted by a ¾ majority of states during NCSL's Legislative Summit.*



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**From:** SHWASSOC@aol.com  
**Sent:** Tuesday, February 21, 2017 2:52 PM  
**To:** Rep06; Rep13; Rep89; Rep29; Rep41; Rep96; Rep04; Rep21; Rep84; Rep19; Rep66; Rep31; Rep76; Rep62; Rep81; Rep17; Rep64; Rep99; rep7@ohiohouse.gov; Rep73; Rep56; Rep33; Rep88; Rep60; Rep02; Rep71; Rep92; Rep48; Rep93; Rep83; Rep34; Rep95  
**CC:** willa@tompappas.com  
**Subject:** Slow Down to Get Around Legislation

Representative, on behalf of Republic Services I respectfully request your support for Representative McColley's amendment to HB 26, the transportation budget, to implement Slow Down to Get Around Legislation. Republic Services employs over 1,300 hard working Ohio men and women who collect and manage much of Ohio's solid wastes. These employees are often on our streets collecting our trash and solid waste. As such, they are in constant danger of being struck and injured by passing vehicles. While Slow Down to Get Around Legislation will not prevent all of these accidents from occurring the passage of this legislation will help raise public awareness of the issue and may help prevent future accidents.

Some points to consider regarding this legislation are:

- 12 states have this law; pending in 7 others. States surrounding Ohio have passed it including Indiana, Michigan, Illinois, New York, West Virginia and 7 others.
- Job as Waste collector is 5<sup>th</sup> most dangerous profession per the US Bureau of Labor Statistics
- Industry continues to promote safety and SDTGA campaign.
- Passed the House last year as HB 58 unanimously and with no opposition.
- Amendment simply adds waste collection trucks to traffic safety laws that already apply to highway safety vehicles, public safety vehicles and other vehicles operating at the roadside.

Please let me know if you have any questions or need any additional information.

Steve White  
614-221-9226

**From:** Gongwer News Service  
**Sent:** Tuesday, February 21, 2017 6:11 PM  
**To:** DL\_Gongwer  
**Subject:** Ohio Report, Tuesday, February 21, 2017  
**Attachments:** Feb21.htm; Feb21Senate.htm; Feb21House.htm; 170221dayplan.htm



## OHIO REPORT TUESDAY, FEBRUARY 21

**House Panel Drops Gas Tax Collection Shift, Boosts Deputy Registrar Fee In Transportation Budget**

**Pastors Praise 'Religious Freedom' Bill Awaiting Imminent Committee Vote**

**Banking Overhaul Expected To Advance In Senate Next Week**

**Lawmaker Proposes School Voucher Program Overhaul With Need-Based Focus**

**Proponents Insist Employment Civil Rights Bill Won't Weaken Workplace Protections**

**Amendments Likely For Senate Bill Targeting Violence That Leads To Disabling Injuries**

**Lawmaker Wants Tougher Penalties For Attacks On First Responders And Military Members**

## **Governor's Appointments**

### **Supplemental Event Planner**

### **Senate Committee Hearings**

**Judiciary**

**Insurance & Financial Institutions**

**Health, Human Services & Medicaid**

### **House Committee Hearings**

**Finance**

**Ways & Means**

**Financial Institutions, Housing & Urban Development**

**Criminal Justice**

**State & Local Government**

**Community & Family Advancement**

**Economic Development, Commerce & Labor**

## **ACTIVITY REPORTS**

**House**

**Senate**

# CALENDARS

## Day Planner

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**Volume #86, Report #34 -- Tuesday, February 21, 2017**

**House Panel Drops Gas Tax Collection Shift, Boosts Deputy Registrar Fee  
In Transportation Budget**

The House Finance Committee on Tuesday adopted several changes to Gov. John Kasich's proposed transportation budget, including the elimination of a proposal that would have changed the point at which the Motor Fuel Tax is collected.

The updates came through a substitute bill (HB 262) (summary of changes) accepted by the panel during a brief hearing. (Comp Doc)

The governor's proposed change would have allowed the MFT to be collected at the refinery rack starting in 2018. Currently, the tax is paid at the wholesale level, giving business owners about a month after purchasing the motor fuel to sell it and collect taxes from customers before paying taxes to the state. (Redbook)

The change in the point of collection for the 28-cent-per-gallon tax would have generated as much as \$92 million per year in revenue, according to the Legislative Service Commission.

However, critics of that proposal said it would have negatively impacted small businesses across the state.

The new version of the legislation also maintains exemptions for aviation fuel and K-1 kerosene.

The substitute version of the bill also phases in over a four-year period the application of the MFT on compressed natural gas. The governor's proposal would have subjected CNG to the MFT in 2018, which industry advocates said would have burdened the fledgling industry. (See Gongwer Ohio Report, February 15, 2017)

The phase-in will levy a seven-cents-per-gallon tax each year on CNG until it reaches parity with other fuels.

Another change increases the service fee paid to a deputy registrar from \$3.50 to \$5.25 and increases the multi-year registration fees by the same proportion. County commissioners also gained the authority to levy a \$5 motor vehicle license fee for transportation purposes, a proposal that was suggested by the County Engineers Association of Ohio. (See Gongwer Ohio Report, February 14, 2017)

Those changes, among others, were telegraphed last week by the bill's sponsor, Rep. Rob McColley (R-Napoleon), in an interview. (See Gongwer Ohio Report, February 13, 2017)

The engineers also proposed a change to the formula for distributing revenue generated by the sale of timber from federal lands. Under the substitute bill, 50% of the proceeds will go to the county of origin for roads and bridges and the remaining 50% will be distributed to local schools.

County engineers scored another victory with the insertion of language that allows for the inspection of bridges on a biennial basis rather than an annual basis unless otherwise required by the Department of Transportation's bridge inspection manual.

Questioned about the change, Rep. McColley said that many bridges in the state are structurally sound and do not need to be inspected each year.

Among other notable updates, the new bill also:

- Requires ODOT to ensure that limited access exit and entrance ramps exist on interstates every four miles in urban areas (cities with more than 30,000 residents or counties with more than one million).
- Extends Healthier Buckeye grants through Dec. 31.
- States that reports of investigation or audits to rail fixed guideway systems owned by a public entity are public records and can be used in court proceedings.
- Narrows a recent law change by only allowing bicycles to proceed through an intersection if the signal is malfunctioning by not detecting a vehicle (HB 92).
- Removes proposed increases for change order limits.

The governor's proposal allows ODOT Director Jerry Wray to implement a pilot program on Interstate 670 to vary speed limits during times of heavy traffic volume in an effort to ease congestion. (See Gongwer Ohio Report, February 7, 2017) Under the substitute bill, the pilot program will be expanded to Interstate 90 and U.S. 33, which are part of the Smart Mobility Initiative. (See Gongwer Ohio Report, February 2, 2017)

Lawmakers from southwest Ohio questioned Mr. Wray about the need for a replacement for the Brent Spence Bridge that connects Cincinnati with Kentucky. The substitute version of the bill requires ODOT to complete a study of the Eastern Bypass, which would divert traffic from the congested bridge.

The latest version of the bill also grants a request made by the Association of Professional Towbars-Ohio. The group asked for an exemption to roadway weight limits for "rotators" when traveling to or from the site of an emergency on a public highway. The 80,000-pound vehicles are used to clear semi-trailers from roadways, and they do so in a fraction of the time of normal towing equipment while allowing lanes to remain open, the group said in testimony.

Chairman Rep. Ryan Smith (R-Bidwell) said a full committee vote on the legislation is expected Thursday.

### **Pastors Praise 'Religious Freedom' Bill Awaiting Imminent Committee Vote**

A House panel on Tuesday heard the last of a long line of testimony on legislation ensuring pastors won't be forced to perform marriage ceremonies for people whose relationships are outside of their religious beliefs, but put off a planned vote.

House Community & Family Advancement Committee Chairman Rep. Tim Ginter (R-Salem) said chamber leadership and the bill's sponsor, Rep. Nino Vitale (R-Urbana), agreed to push back a vote that will likely happen at the panel's next meeting.

It's unlikely, though, that additional testimony on the controversial legislation will be submitted, considering the committee has already entertained hours of discussion involving both sides of the issue, he said. Tuesday's meeting, which lasted more than three hours, included testimony, both in-person and written, from about 40 pastors who support the bill (HB 362).

"This would be all the testimony that we're going to hear," Rep. Ginter said after the meeting. "We'll probably just move right into the vote."

Many supporters told lawmakers that while they haven't been personally targeted for not performing gay marriage ceremonies, they fear they could be in the future.

"We see the writing on the wall so to speak and, looking ahead, we believe this is a preemptive action," said Joel Royalty, pastor at Broadview Heights Baptist Church.

He spoke of harassment his peers have been victim to, describing how they've been threatened with litigation despite welcoming gay parishioners to take part in other church activities.

Lighthouse Baptist Church Pastor Linden Orr also offered only third-party accounts of threats against so-called religious freedom, but said he feels, nonetheless, that his church and others in the state "are in the crosshairs" of a debate that could lead to trouble.

"The climate of our culture, our nation has definitely had the church in its sights and the reason for passing a bill such as this is to clearly articulate the protections that are apparently in place," he said.

Opponents of the measure argue that state and federal constitutions already protect pastors from being forced to marry individuals (See Gongwer Ohio Report, February 15, 2017), but those in support say they don't want to take the risk of having to fight back against an expensive lawsuit - even if they would ultimately win.

Our of concern for the impacts of gay marriage law changes, Grace Baptist Church Pastor Richard Powers Sr. said his church purchased "religious freedom protection" insurance coverage that was first made available in 2015.

The insurance, which is offered through Brotherhood Mutual, would cover a portion of court and attorney costs should the church be sued for refusing to perform a marriage ceremony, he said. He is unsure how much the church pays for the coverage.

Although no Ohio church has been sued for refusing to solemnize marriages, Crossroads Church Pastor Tim Throckmorton said it's only a matter of time before highly publicized lawsuits against private business owners who refuse to provide services for gay weddings transfer to houses of worship.

"As a pastor and as churches and as owners of church properties, we see the same assault coming our way," he said.

Proponents also said they're concerned about how constitutional law applies to buildings owned by churches that aren't the main sites of worship, such as adjacent buildings or strip mall storefronts that are rented out to serve as community spaces.

Daniel Wolvin, pastor at North Columbus Baptist Church, said his congregation "gives away" about a third of the dollars it collects each year to support worldwide and local initiatives as well as individuals in his community. A lawsuit related to gay marriage would threaten churches' abilities to give, he said.

"It would inhibit us from being able to put those energies and put those finances back into the community or helping others," he said.

Most of the pastors who testified on Thursday represented Baptist churches that are affiliated with Awake America Ohio, but the committee also heard from Tim Tobin, an associate director for the Ohio Catholic Conference. He said all catholic bishops in the state are supportive of the legislation.

**Subscribers Note:** Complete testimony can be found on the committee's website under Feb. 21.

### **Banking Overhaul Expected To Advance In Senate Next Week**

Banking industry representatives testified before House and Senate committees Tuesday in support of companion bills that would overhaul laws that govern the industry in Ohio.

Supporters of the bills (HB 35 and SB 29) say they would modernize the state's banking regulations, uniting commercial banks, savings and loan associations and savings banks under one "universal" charter, among other changes.

Sen. Jay Hottinger (R-Newark), chairman of the Senate Insurance and Financial Institutions Committee, said the bill is expected to be slated for another hearing and a possible vote next week. Nearly identical legislation (SB317, 131<sup>st</sup> General Assembly) passed the Senate unanimously at the end of last session.

In committee hearings Tuesday, bank representatives said the bill would provide for better regulation and streamline processes, allowing the businesses to run more safely, soundly and efficiently.

Rep. Robert Sprague (R-Findlay), on the House Financial Institutions, Housing and Urban Development committee, asked Jeff Quayle, senior vice president and general counsel for the Ohio Bankers League, how the measure would affect the regulation of banks.

"We need strong regulation," Mr. Quayle said. "If there's a bank out there that is not regulating in a safe and sound manner, nobody wants that bank strongly regulated more than the industry itself. One bad bank can harm the reputation of hundreds of bankers that are trying to do the right thing."

Rep. Kent Smith (D-Euclid), the ranking Democrat on the House panel, asked about a provision enhancing the state's enforcement ability in cases of the misuse of a bank's name.

Mr. Quayle said there are companies that will send letters to customers about add-on services and will incorporate the name of the bank that holds the customer's mortgage in the letter, without that bank's permission.

"In the financial services industry, you survive on your reputation, and if there are high-cost products or add-on products that are being sold, you can sell them under your own name," he said. "Don't use the bank's name."

Another question from Rep. Smith centered on a provision that would give the Department of Commerce's Division of Financial Institutions the authority to determine whether hearings would be open to the public or not.

Mr. Quayle said banks rely solely on their reputations, and a hint that a bank was weakening could cause a bank run, harming it even more.

"Its portfolio is weakened," he said. "The last thing you need is a public hearing and a headline in a newspaper, because that can start a run."

On the Senate panel, Sen. Lou Terhar (R-Cincinnati) asked about the difference between a commercial bank and a mutual charter bank, which the bill also addresses.

Chuck Moore, Central Ohio Regional President for Middlefield Banking Company, said mutual charter banks are institutions that are owned by depositors, whereas other banks

are owned by shareholders. Mr. Quayle said those banks pay the financial institutions tax and are the same as other banks in terms of lending authority and responsibilities.

Mr. Quayle told the Senate committee that the review was part of an extensive process to update and modernize the law for the first time since the 1990s.

"We first started looking at this back in 2011," he said. "It was a very thorough, methodical review. We looked at other states and tried to learn what worked and what didn't work in other states."

### **Lawmaker Proposes School Voucher Program Overhaul With Need-Based Focus**

Students could attend private schools of their choosing on the state's dime as long as their families meet certain financial guidelines contained in a soon-to-be-introduced bill.

Sen. Matt Huffman (R-Lima) has proposed eliminating EdChoice and Cleveland scholarship programs and replacing them with the Ohio Opportunity Scholarship, which would be available to all students whose families' annual incomes are at or below 400% of the federal poverty level.

He said he wants to move away from the existing programs that are based on public school performance and geography, with which "there are a number of problems."

The bill's sponsor, who is opposed to deeming schools failing, said it's not fair to limit vouchers to students living in certain Zip Codes or attending schools that see controversial report card scores dip for a handful of years.

Current voucher programs also leave behind those students who are in high-performing school districts, but don't feel they're the best place to thrive, he said.

"Really, what we want to be able to do is allow everybody the opportunity to go to the school they want," Sen. Huffman said during a Statehouse press conference.

Under his plan, students from families earning at 200% FPL would receive a \$5,000 voucher to cover tuition in grades K-8 and \$7,500 per year in high school. Those voucher totals would be cut in half for students of families at 400% FPL.

The proposed voucher amounts are higher than under existing programs, which top out at \$6,000 per year for high school students.

Any leftover funds after students pay tuition would go into state-run savings accounts which can be accessed for future eligible education purchases, including the cost of earning degrees at state universities or colleges, Sen. Huffman said.

Students who are already attend private schools on Cleveland and EdChoice scholarships would be rolled into the new voucher program without having to meet income eligibility requirements in the bill, he added.

There are presently 60,000 vouchers available in the state, about 40,000 of which are in use, he said. The forthcoming legislation won't cap the number of available vouchers and would place the full financial burden on the state to fund them.

"That's really a recognition that if the taxpayers want to use this, if parents want to use this, if it's a good choice, we ought to allow them to do that," Sen. Huffman said, adding that he's waiting for the Legislative Service Commission to determine the bill's fiscal impacts.

School management groups are questioning the bill, pointing out that the amount private schools would receive through vouchers would be higher in some cases than the per-pupil funding public schools receive.

Just 82 districts get more than \$7,500 per pupil in total state aid, which is the proposed high school voucher amount, according to an analysis by the Ohio Association of School Business Officials, Buckeye Association of School Administrators, and Ohio School Boards Association.

For Fiscal Year 2017, the statewide average of total formula aid is \$4,639, they determined.

"Ohio's current voucher programs do in fact expand choice to those who most need it by targeting families in low performing schools whose low income levels limit their ability to exercise the 'traditional' school choice options of moving to a different school district or paying private school tuition," the groups said in an email.

They also took issue with the education savings account portion of the bill because students who remain in their district schools wouldn't be given a similar advantage.

Meanwhile, SchoolChoice Ohio applauded the proposed legislation.

"Thousands of Ohio families are sending their children to the schools of their choice thanks to the state's existing scholarship programs, but because of limited eligibility, there are still many students who are stuck in a school that is not the best fit for their learning needs," Executive Director Kaleigh Lemaster said in a statement.

"Ohio families from all Zip Codes and all income levels should have access to a range of quality education options for their children," she continued. "We look forward to working with Sen. Huffman on making this legislation a reality for Ohio students."

**Proponents Insist Employment Civil Rights Bill Won't Weaken Workplace Protections**

Supporters had their say Tuesday on a bill to harmonize Ohio's employment discrimination law with its federal counterpart, but Democrats continued to voice concerns during the measure's second hearing.

Rep. Bill Seitz (R-Cincinnati) introduced the bill to the House Economic Development, Commerce & Labor Committee last week, renewing questions from Democratic members on whether the bill (HB 25) would weaken workplace protections. (See Gongwer Ohio Report, February 14, 2017)

The bill has been introduced in previous session and has long been on the wish lists of business groups who say it will streamline the law and provide more certainty for businesses while maintaining protections for employees.

But committee Democrats remain wary of whether the bill could shield supervisors who are engaging in discriminatory behavior via language that would remove liability from supervisors and place it solely with the employer.

"I can't help but think this is just protecting people in the work place that are discriminating," Rep. Michele Lepore-Hagan (D-Youngstown) said. "I think it would deter businesses from opening in the state where there are bullies in the work place."

Additionally, Rep. Thomas West (D-Canton) questioned whether the bill was a solution searching for a problem while Rep. Michael Sheehy (D-Oregon) said he was "increasingly concerned" about the bill's impact on worker protections.

But proponents, testifying Tuesday, said they believe that language will shield good supervisors from frivolous claims and incentivize the companies to root out employees behaving inappropriately.

"It's designed to protect people from being fired or demoted because of their age or their race or their disability or their religion," Ohio Chamber of Commerce attorney Jan Hensel said of the law. "It's never intended to be an anti-bullying statute. It's a statute to prohibit employers from taking discriminatory actions against their employees."

The issue is one of the Ohio Chamber's priorities this legislative session, with OCOC Director of Labor and Legal Affairs Don Boyd saying it would reduce competitive disadvantages Ohio business face with those in other states. He and other proponents have stressed that nothing in the bill prevents an employee from filing a claim with the Ohio Civil Rights Commission or a civil lawsuit.

"Businesses in Ohio are hampered by a cumbersome statute of limitations that creates costly recordkeeping expenses for businesses and prevents timely, fair, and efficient resolution of claims for both employers and employees," Mr. Boyd said. "In addition, supervisors are forced to second-guess otherwise-sound management decisions for fear of being held personally liable in a lawsuit."

Rep. West reiterated his concern that temporary and seasonal workers will be denied civil rights protections under the bill. Mr. Boyd replied that the chamber is working with the sponsor on an amendment to address that point.

Speaking for the Ohio Society of Human Resources Management State Council, proponent Tony Fiore said the bill does not remove any liability from the employer.

"Every employment law should strike the right balance between employee rights and employer obligations," he said. "When the pendulum swings too far toward employee rights, as it did in the 1990s with several bad Ohio Supreme Court decisions, balance must be brought back to the system. HB 2 strikes an appropriate balance between employers and employees."

Littler Mendelson attorney Kevin Griffith described the bill as "legal plumping" to correct the results of a little-known legislative provision passed in 1987, which had the result of making the law more convoluted over two decades. He reminded members that supervisors engaged in discriminatory behavior can still be sued individually.

As for the bill's reduction of the statute of limitations for civil actions and OCRC complaints from six years to one year, he said the one-year timeline still pales in comparison to that of other states which are usually between 180-300 days.

Several Democratic members called the change "extreme," but Mr. Griffith said the shorter timeline actually benefits victims who can earn faster resolutions - especially against larger companies that can afford to drag out cases.

It also helps companies in several ways, he said, in part by making it more likely the employees involved are still working there and recall the incidents in question. A long timeline, he said, can also lead to issues going unreported for a longer period of time which means potentially more victims.

"It's a problem for the individual and for the company because they have a harasser they don't even know about," Mr. Griffith said. "This is good for Ohio. It is not in my judgment taking away rights."

Submitting written proponent testimony were the Ohio Grocers Association, the Ohio Manufacturers' Association, NFIB-Ohio, Frost Brown Todd LLC, and the Ohio Farm Bureau.

### **Amendments Likely For Senate Bill Targeting Violence That Leads To Disabling Injuries**

Despite the urging of prosecutors for quick passage, Sen. Kevin Bacon said a bill to stiffen sentencing for violence leading to permanently disabling injuries needs more work before it can be reported by his committee.

That's because of a handful of concerns raised by committee members and criminal defense attorneys Tuesday during the bill's (SB 202) third hearing before the Senate Judiciary Committee.

The bill from Sen. Bob Hackett (R-London) and its House companion (HB 302) are based on the 2006 case of Destiny Shepherd, who sustained permanent brain injuries as a one-year-old after being violently shaken and thrown against a wall.

The abuser, Terrance King, was ultimately sentenced to eight years in prison and has since been released. The Senate bill would require an additional three- to eight-year prison term for those convicted or pleading guilty to a felony offense of violence if the victim suffered permanent disabling harm.

Meanwhile, the House Criminal Justice Committee on Tuesday also heard testimony in support of similar legislation. Witnesses included Randi Shepherd, the mother of the bill's namesake. The House bill is similar, but only would apply in cases with victims six years old or below.

Franklin and Clark county prosecutors testified the bill would help prevent such injustices. But public defenders and the defense bar argued it would burden the defense by requiring additional testimony or witnesses and would reduce judicial discretion in doling out appropriate sentences.

Chairman Bacon (R-Minerva Park) said there's no timeline yet for how quickly the Senate bill will advance given some of these concerns:

"We have committee members with concerns so we'll try to work on them," Sen. Bacon said in an interview. "I think if the bill passes there will probably be some changes. I'm in favor of the bill, but we have to have the votes to get it out of committee and out of the Senate so we want to make sure it's fine-tuned so to speak."

Ohio Public Defender Legislative Liaison Kari Bloom and Ohio Association of Criminal Defense Lawyers representative Sarah Schregardus said the Senate version could undermine 18 months of work by the Criminal Justice Recodification Committee.

"Rather than pass this language into the existing law, it would be prudent to submit this language to the committee now, or, amend the Recodification Committee's sentencing bill when it comes through the legislature," Ms. Bloom suggested. "Either way, more research and trickle-down fiscal analysis is necessary to ensure the counties are prepared for the increased caseloads and costs associated with this new specification."

Both agreed Destiny's attack was a tragedy.

"However, those horrendous circumstances do not warrant an unnecessary and impractical addition to the Ohio Revised Code," Ms. Schregardus said.

Ms. Schregardus argued that prosecutors could have pursued a 24 year sentence for Mr. King by not going along with the defense's recommendation to merge all three charges. "The law already provides for what the proponents are asking for," she said.

Clark County Prosecutor Andrew Wilson, who as deputy prosecutor tried Mr. King, disagreed. Based on precedent, the courts would have immediately overturned any attempt to not merge the counts, he said, because Mr. King's attack on the child was a single occurrence rather than multiple acts.

"He cannot be sentenced multiple times for one thing that he did," Mr. Wilson replied.

Mr. Wilson and Franklin County Prosecutor Ron O'Brien each agreed that the bill would pose no additional burden on the defense because the defense already utilizes an expert witness in such cases. In the worst-case scenario, they said, that expert would have to field a few more questions.

"I have yet have a child abuse case...where the defense attorney didn't ask for an expert," Mr. Wilson said. "That's happening anyway."

Mr. O'Brien described the case of a woman who was doused with gasoline and set on fire. Fifteen months and 52 surgeries after the assault, the woman is still in the hospital. In that case, he said, the prosecution was prevented by the judge from stacking charges of aggravated arson and felonious assault, preventing them from seeking a total maximum sentence of 19 years.

"It's that kind of case and others that the injury is so terrible debilitating to the victim the sentences available under the current law are inadequate," Mr. O'Brien said.

Still, Sen. Michael Skindell (D-Lakewood) expressed concern about establishing a new mandatory minimum sentence by setting the floor in such cases at three years.

Mr. Wilson disputed that characterization, arguing that the bill balances out the need for punishment with protecting judicial discretion. "This specification sets a floor...then it allows discretion up to eight years," he said.

"The problem is the floor is raised from what the current sentence structure is," Sen. Skindell replied, saying he'd prefer to leave the lower threshold in place and instead raise the ceiling to afford more judicial discretion. "You're taking a severe case and asking us to apply it across the board to all types of scenarios a judge is seeing."

"There are certain cases that are serious enough for lawmakers to say it's ok to set a floor," Mr. Wilson replied. "From where I sit down in the trenches working these cases it really allows for the best of both worlds."

**House Hearing:** Before the House Criminal Justice Committee, Ms. Shepherd described how as a 16-month-old child Destiny was severely shaken by Ms. Shepherd's then-boyfriend, Mr. King. The incident resulted in damage to 90% of Destiny's brain.

"She'll never be the child she once was when she was a baby. She'll be forever changed," Ms. Shepard said, adding that her now 11-year-old daughter suffers from seizures, must wear a diaper and requires help with rudimentary tasks.

Also testifying before the House panel was Mr. Wilson, who told the committee that the bill will have wide public support.

"I have never met a citizen in my jurisdiction who thinks that a violent criminal who permanently injures a victim should be treated lightly by the justice system," he said. "When I tell people the man who permanently injured destiny only faced eight years in prison, people are shocked and appalled."

Rep. Bill Seitz (R-Cincinnati) questioned how the legislation would work in conjunction with other specifications, such as those applied to crimes committed with a gun, adding that he has concerns with "stacking specs."

"Typically we don't see guns used against kids unless it's teenagers," Clark County Sheriff's Maj. Christopher Clark replied. The House version of the bill would apply only to victims who are less than 6 at the time of the offense.

Rep. Seitz also raised concern that the law would allow for a sentence of up to 16 years in a felonious assault case, greater than the minimum 15-year sentence for murder.

Mr. Clark said that in the case of murder, 15 years is the point at which someone becomes eligible for parole. He also said that acts of violence that rob people of quality of life deserve to be treated harshly.

"There are fates that could be argued are worse than death," he said.

The House version of the legislation would add between \$1 million to \$2.8 million annually to the Department of Rehabilitation and Correction's incarceration expenditures, according to Legislative Service Commission Fiscal Analysis.

The bill is one of the Ohio Prosecuting Attorneys Association top legislative priorities this General Assembly. (See Gongwer Ohio Report, February 10, 2017)

### **Lawmaker Wants Tougher Penalties For Attacks On First Responders And Military Members**

First responders and members of the military could soon have added protections under state law.

Pending legislation (HB 382) would make both a protected class under state law and allow for tougher sentences when they are knowingly attacked, sponsoring Rep. Dave Greenspan (R-Westlake) told members of the House Criminal Justice Committee Tuesday.

Dubbed the "Public Safety and Military Protection Act," Rep. Greenspan said the need for the measure arose from several attacks on police officers and members of the military in recent years, including in Ohio.

"This bill seeks to address the growing and very prevalent challenges facing our public safety forces and military members - challenges they should not have to address but they do - purposeful, intentional and pre-meditated attacks of violence against those who protect and serve our communities, our state and our nation," he said in testimony.

Rep. Greenspan cited an ambush attack on Danville Police Officer Thomas W. Cottrell Jr. last year as he was responding to a call as one such instance. Officer Cottrell was shot and killed during the incident.

"Statistics for other first responders, firefighters, EMT's and others, as well as members of the military are not as readily available," he said. "However, it was reported in December that an attack was committed in Youngstown, as three firefighters were returning from a fire and their fire engine was purposefully targeted. The fire engine was hit twice, injuring one firefighter and narrowly missing the other two."

Rep. Greenspan also noted attacks on members of the military in Fort Hood, Texas and Chattanooga, Tennessee.

Under the legislation, the offense of aggravated murder would be expanded to include purposefully causing the death of a first responder or military member when the victim was engaged in official duties or the offender's purpose was to kill a first responder or military member.

"Currently, the law only includes state law enforcement officers," Rep. Greenspan said. "This bill includes other public safety forces such as firefighters, EMTs and members of the military. Additionally, this bill provides strong deterrents to individuals who seek to harm those who see us at our worst, at our greatest times of need and toward those who protect our liberties and freedoms."

The bill also increases the penalty for felonious assault against a first responder or military member from a second-degree felony, absent any specification, to a first-degree felony. If the offender knew or had reasonable cause to know the victim's profession he or she would be required to serve a mandatory sentence of three to 11 years in prison, which would be served consecutively to any prison term imposed for offenses committed at the same time.

Louisiana recently passed a similar law that covers only first responders. Similar measures are under consideration in New York, Missouri and Kentucky.

Rep. Greenspan said his legislation "is the most comprehensive bill of its kind in the nation."

"With the passage of House Bill 38, we will set the benchmark for other states to follow, and we will demonstrate that our state stands with and by those men and women who protect and serve our communities, our state and our nation," he said.

In response to a question from Rep. Bill Seitz (R-Cincinnati) about the impact the measure would have on the state's prison population, Rep. Greenspan said he is unsure but plans to meet soon with officials from the Department of Rehabilitation and Correction.

Nonetheless, he said individuals who attack first responders or members of the military deserve harsh punishment.

"These are individuals who have a large amount of malice in their heart," Rep. Greenspan said.

Rep. Dorothy Pelanda (R-Marysville) asked if the measure would cover former first responders and members of the military.

Rep. Greenspan said that would be the case. However, he was unable to identify how many people would be covered under the legislation.

## **Governor's Appointments**

**Hancock County Common Pleas Court:** Jonathan P. Starn of Findlay (Hancock Co.) will assume office March 3 and must run in the November 2018 election to retain the seat for the remainder of the unexpired term, which ends Dec. 31, 2020. He is replacing Judge Joseph H. Niemeyer, who resigned.

Mr. Starn, who received his bachelor's degree and juris doctorate from Capital University, has served as the judge of Findlay Municipal Court since 2010.

**Financial Planning and Supervision Commission of the Village of Wellsville:** Connie J. Bauer of Wellsville (Columbiana Co.) for a term beginning Feb. 21 and continuing at the pleasure of the governor

## **Supplemental Event Planner**

### **Wednesday, February 22**

Sen. John Eklund (R-Chardon) news conference on bill to update criminal justice laws, Harding Senate Press Briefing Rm., Statehouse, Columbus, 10 a.m.

**Ohio Green Industry Advocacy Day Legislative Reception,** Statehouse Rotunda, Columbus, 4:30 p.m.

### **Tuesday, February 28**

Rep. Adam Miller (D-Columbus) fundraiser, Land Grant Brewing, 424 W. Town St., Columbus, 5:30 p.m., (\$250 or \$100 to Miller for Ohio)

## **Wednesday, March 1**

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**Sen. Frank LaRose (R-Hudson) fundraiser, Oracle Townhouse, 27 D. Street South East, Washington, DC, 4 p.m., (\$1,000 Host | \$250 Sponsor | \$50 per person to LaRose for Senate)**

## **Sunday, March 5**

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**Ohio Statehouse to celebrate Ohio's 214th birthday, 12 p.m.**

## **Wednesday, March 8**

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**Ohio House Democratic Caucus new member fundraiser, Due Amici, 67 E. Gay St., Columbus, 8 a.m., (Sponsors \$1,000 - Hosts \$500 - Friends \$250)**

## **Thursday, March 16**

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**Rep. John Patterson (D-Jefferson) fundraiser, Ashtabula Elks Club, 3115 Lake Rd., Ashtabula, 5 p.m., (\$25 to Committee to Elect John Patterson)**

**Sen. Stephanie Kunze (R-Hilliard) & Rep. Mike Duffey (R-Worthington) fundraiser, Brazenhead, 56 N. High St., Dublin, 5 p.m., (Separate checks payable to: Citizens for Stephanie Kunze or Citizens for Duffey)**

## **Tuesday, March 21**

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**Sen. Peggy Lehner (R-Kettering) fundraiser, Athletic Club of Columbus, Crystal Rm., 136 E. Broad St., Columbus, 5 p.m., (\$2,500 Chair | \$1,000 Host | \$500 Sponsor | \$350 Attendee to Citizens for Lehner)**

**Sen. Steve Wilson (R-Maineville) fundraiser, Athletic Club of Columbus, Crystal Rm., 136 East Broad Street, Columbus, 5 p.m., (\$2,500 Chair | \$1,000 Host | \$500 Sponsor | \$350 Attendee to Steve Wilson for Ohio)**

## **Wednesday, March 29**

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**Sen. Frank Hoagland (R-Adena) fundraiser, Athletic Club of Columbus, Lounge, 136 East Broad Street, Columbus, 5 p.m., (\$2,500 Chair | \$1,000 Host | \$500 Sponsor | \$350 Attendee to Hoagland for Ohio)**

## **Wednesday, April 5**

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**Pro-life Legislative Day**

## **Wednesday, May 24**

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**Sen. Kevin Bacon (R-Minerva Park) fundraiser, M, 2 Miranova Place, Columbus, 5:30 p.m., (5:30-6:30pm Reception on Patio, 6:30pm Dinner at M. \$2,000 Host | \$1,500 per Couple | \$1,000 per Individual | \$350 Reception Only to Citizens for Kevin Bacon)**

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## Senate Activity for Tuesday, February 21, 2017

### INTRODUCED

- SJR 1** ■ **CONSTITUTIONAL AMENDMENTS** (Huffman, M.) Application to the Congress of the United States for a Convention of the States under Article V of the Constitution of the United States that is limited to proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and Members of Congress.
- SB 62** ■ **DAY DESIGNATION** (Yuko, K.) To designate July 8 as "Harrison Dillard Day." Am. 5.236
- SB 63** ■ **DELINQUENT CHILDREN** (Thomas, C.) To revise the procedures for determining the delinquent child confinement credit. En. 2152.18
- SB 64** ■ **JUVENILE BINDOVERS** (Thomas, C.) To eliminate mandatory bindovers and reverse bindovers, and modify the rules and procedures regarding a discretionary bindover, of an alleged juvenile offender from a juvenile court to a criminal court. Am. 109.57, 2151.23, 2152.02, 2152.021, 2152.10, 2152.12, 2152.13, 2152.14, 2152.26, and 2505.02 and to repeal section 2152.121
- SB 65** ■ **SALES TAX HOLIDAY** (Brown, E.) To provide a three-day sales tax "holiday" each April during which sales of qualifying Energy Star products are exempt from sales and use taxes. Am. 5739.02 and 5739.05
- SB 66** ■ **CRIMINAL LAWS** (Eklund, J., Tavares, C.) To modify criminal sentencing and corrections law by including rehabilitation as a purpose of felony sentencing, removing the one-year minimum for presumptive fourth or fifth degree felony community control sanctions, modifying sanctions for a violation of a community control condition, modifying the manner of calculating confinement credits, modifying eligibility criteria and procedures for granting intervention in lieu of conviction, making offenders convicted of certain multiple fourth or fifth degree felonies eligible for conviction record sealing, revising procedures for the Adult Parole Authority to grant a final release or terminate post-release control, and modifying the criteria for

considering a prison term sanction for a post-release control violation. Am. 2929.11, 2929.13, 2929.15, 2929.16, 2929.19, 2951.041, 2953.31, 2967.16, and 2967.28

**SB 67**

**OFFENDER REGISTRY (Gardner, R., Hite, C.)** To require the Attorney General to establish a violent offender registry and to name this act "Sierah's Law." Am. 109.561

**SB 68**

**USED TIRES (LaRose, F., Hite, C.)** To prohibit the installation of unsafe used tires on certain motor vehicles. Am. 1345.99 and to enact section 1345.022

**COMMITTEE HEARINGS**

Judiciary

**SB 20**

**FELONY SENTENCES (Hackett, B.)** To require an additional prison term of 3 to 8 years for an offender who is convicted of or pleads guilty to a felony offense of violence if the offender is convicted of or pleads guilty to a specification that the victim suffered permanent disabling harm.

**(CONTINUED (See separate story); 3rd Hearing-All testimony-Possible vote)**

**SB 32**

**TRIAL TIMELINES (Eklund, J.)** To provide a prosecutor an additional fourteen days to commence a trial after a person charged with a felony has been discharged because the person has not been brought to trial within the required amount of time and to authorize the court to release the person from detention in connection with those charges pending trial. **(CONTINUED; 2nd Hearing-Proponent)**

Ohio Prosecuting Attorneys Association Executive Director John Murphy said calculating the 270-day window between when defendants are arrested and the date they must be tried under the speedy trial law is more difficult than it sounds.

He said the calculation can be complicated by rearrests and the requirement that one day spent in jail is equal to three days under the law. Lack of communication between jails and the clerk's office can also pose challenges in determining the timeline, he said.

He said violations of the speedy trial statute result in dismissal of the charges with prejudice - a resolution that he called "unusually severe and in the most cases grossly out of proportion to the violation."

He said Ohio is among only 12 states with a dismissal with prejudice rule. Other states permit an array of other options including releasing the defendant if being held, dismissing without prejudice or an extension of time.

"SB32 seeks to change what is a harsh and inflexible rule with a remedy that is more reasonable while still retaining the basic purpose of the speedy trial statute," he said.

**SB 33**

**LAW ENFORCEMENT DATA (Eklund, J.)** To allow disclosure of information from the law enforcement automated data system (LEADS) to a defendant in a traffic or criminal case. (CONTINUED; 2nd Hearing-Proponent)

Cleve Johnson, a committee chair with the Ohio State Bar Association, outlined his support for the bill.

He said some prosecutors refuse to comply with a rule requiring them to provide the defendant a copy of his or her conviction records because they fear being sanctioned for violating the LEADS statutes.

"SB 33 corrects a flaw in the law that no one intentionally created and no one particularly seeks to maintain," Mr. Johnson said. "This bill protects prosecutors against being sanctioned for doing their job and complying with the criminal rules. It also enables defense attorneys to do their job and provide competent representation by giving them access to records necessary to effectively represent their clients."

Preventing the release of those records, he argued, greatly diminishes the quality of a defendant's representation.

"In many cases it would be malpractice for a defense attorney to fail to examine his client's record," Mr. Johnson said. "When counsel is denied access to that record, in a real sense, involuntary malpractice is forced upon counsel and the client is forced to accept inadequate representation."

**SB 40**

**AGGRAVATED MURDER (Eklund, J., Williams, S.)** To provide that a person convicted of aggravated murder who shows that the person had a serious mental illness at the time of committing the offense cannot be sentenced to death for the offense and to provide a mechanism for resentencing to a life sentence a person previously sentenced to death who proves that the person had a serious mental illness at the time of committing the offense. (CONTINUED; 1st Hearing-Sponsor)

**Sen. Sandra Williams** (D-Cleveland) said the bill is based on a 2014 recommendation from the Ohio Supreme Court's joint task force to examine the death penalty.

Specifically, the bill states those with one of five mental illnesses at the time of the crime should not be executed or sentenced to death if they experienced limitation in both intellectual functioning and adaptive behavior resulting from the illnesses. The illnesses include bipolar disorder, delusional disorder, schizophrenia, dementia, and major depressive disorder.

"Those who are interested in finding common ground, whether they are supporters of the death penalty or opponents, owe it to Ohioans to embrace the thoroughly considered recommendations submitted by the Joint Task Force," Sen. Williams said. "I believe any steps to decrease the miscarriage of justice should be welcome, particularly for those facing death at the hands of their own government."

Sen. Eklund emphasized that the bill would not enable an offender to escape punishment. "Whether you support or oppose the death penalty, we hope we can all agree that it should be fairly administered and that executing the seriously mentally ill hardly instills confidence that the state is reserving the death penalty for intentional killers," he said.

Chairman Sen. Kevin Bacon (R-Minerva Park) said he would be interested in learning more about why these five mental illnesses were selected as the panel continues discussing the legislation in the future.

**SB-42 DRUG OFFENSES (Eklund, J.)** To expressly provide that drug offense penalties that refer to a particular type of drug also apply to a compound, mixture, preparation, or substance containing a detectable amount of that drug and to declare an emergency. (CONTINUED; 1st Hearing-Sponsor)

Sen. Eklund said his bill aims to fix a 2016 ruling in *State v. Gonzales* in which the Supreme Court of Ohio ruled in a cocaine-related case that the law states prosecutors are not to consider filler material when determining how much of the drug an offender is carrying. "SB42 would clarify Ohio statutes defining the levels at which drug trafficking becomes a major drug offense," Sen. Eklund said. "The bill will add 'any compound, mixture, preparation, or substance continuing a detectable amount of any such drug.'"

Prosecutors and law enforcement groups have argued in support of a similar bill that cleared the House last week (HB 42), saying that the court ruling places a substantial burden on the state financially in terms of securing quantitative analysis of drugs. They argued it also makes it more difficult to charge high-level dealers.

But Sen. Eklund said his bill is broader than the House version in that it does not focus on cocaine specifically.

The House bill would fix the cocaine problem resulting from the court ruling, Sen. Eklund agreed, but he said he fears defense attorneys will take that court ruling and attempt to challenge laws pertaining to other drugs.

"It won't take some bright defense lawyer to take that *Gonzales* case and start testing every other statute," he said.

Sen. Michael Skindell (D-Lakewood) and Sen. Cecil Thomas (D-Cincinnati) both expressed concern that by broadening the bill beyond cocaine it would lead to more mass incarcerations. For example, a college student who purchased marijuana without knowing it was laced with cocaine could therefore be charged with a felony for purchasing marijuana, Sen. Thomas said.

"I agree with my colleague this is really going to cast a broad net," Sen. Thomas said. "This is designed to prevent complete collapse of drug enforcement activities in the state," Sen. Eklund replied. "If there are injustices that occur in that process today I apologize for them and I'd love to be able to fix them but for now we've got to go after bad guys and make sure we have the tools available to do it."

**Subscribers Note:** For full testimony see the committee's website under Feb. 21.  
**Insurance & Financial Institutions**

**SB 24 LOAN ACT (Terhar, L.)** To create the Ohio Consumer Installment Loan Act. (CONTINUED; 2nd Hearing-Proponent)

Dayna Baird Payne, executive vice president of the Ohio Financial Services Association, testified in support of the bill, saying it would separate consumer installment loans - which are made for periods lasting longer than six months, usually for less than \$10,000 and in regular monthly installments - from other loans currently under the Ohio Mortgage Loan Act.

"OFSA members make much different loans to their customers than many other lenders operating under the same act," she said. "We believe that leads to confusion both for our customers and our regulators. Furthermore, OFSA members have occasionally been confused in media reports with short-term payday and auto title lenders due to the fact that they now operate under the OMLA as well."

Ms. Baird Payne said most members of her group hold their loans in portfolio, meaning they don't securitize them and therefore have a vested interest in seeing it repaid.

Bob Whitehouse, senior vice president of Eagle Financial Services and immediate past president of OFSA, said the bill would provide more clarity for consumers and others between the different types of loans.

"We believe Senate Bill 24 will provide much needed clarity for our industry, the lending community as a whole, our customers and our regulators," he said.

Matthew Marsh, president and CEO of the Guardian Finance Company and president of OFSA, said he believed the bill was essential for consumer installment lenders.

"We believe this type of lending is a legitimate and needed option to serve our communities," he said. "We further believe that Senate Bill 24 will assist our regulators in the oversight of our companies by way of simplification."

**SB 29** **BANKING LAW (Coley, B., Oelslager, S.)** For the purpose of enacting a new banking law for the State of Ohio. (CONTINUED (See separate story); 2nd Hearing-Proponent)

**Subscribers Note:** Full testimony is available at the [committee's website](#) under Feb. 21. **Health, Human Services & Medicaid**

**SB 23** **DAY DESIGNATION (Terhar, L.)** To designate January 31 as "Omphalocele Awareness Day." (REPORTED; 2nd Hearing-All testimony-Possible vote)

The committee voted unanimously to report the bill.

Dr. Foong-Yen Lim, a pediatric and fetal surgeon at Cincinnati Children's Hospital, submitted written testimony in support.

Dr. Lim described the process by which omphaloceles occur and how they are treated.

"Omphalocele is not just a hole in the belly but a birth defect with increased risk of associated anomalies as well as significant morbidity and mortality," he wrote. "Although we have seen improvement in the outcomes of these patients in the recent years, more need to be done to understand omphalocele better so we can decrease the morbidity and mortality related to this condition further."

The committee also received written testimony in support from Danielle Spears, whose daughter was born with a large omphalocele, containing most of her liver and parts of her stomach, gallbladder and intestines.

"Our daughter spent her first 11 weeks of life in the NICU," Ms. Spears wrote. "Her first surgery stretched her skin over her omphalocele when she was 3 weeks old. Her last surgery placed her organs inside her abdomen with a muscle closure when she was 11 months old. Today, Zo is a very energetic, loving and resilient two-year-old with a personality like no

other. She still battles with reflux and slow weight gain but overall she is a typical little girl in her terrible twos"

**SB 56**      **STEP THERAPY (Lehner, P., Tavares, C.)** To adopt requirements related to step therapy protocols implemented by health plan issuers and the Department of Medicaid. (CONTINUED; 1st Hearing-Sponsor)

The bill's sponsors, Sen. Peggy Lehner (R-Kettering) and Sen. Charleta B. Tavares (D-Columbus), spoke in support of the bill, which intends to increase transparency when insurers require step therapy, or "fail first." In that process, patients are required to try a different drug, usually a less expensive one, to see if it helps with their condition before receiving the prescribed treatment.

Sen. Lehner said the bill would require that insurers' processes for requesting step therapy overrides are transparent, that requests from physicians are responded to within 72 hours, or 24 hours in an emergency, and allowing exemptions in certain situations.

"My bill seeks to balance cost containment for insurers and the ability of physicians to make decisions in the best interests of their patients," she said.

Sen. Tavares said the process can get in the way of some patients receiving proper care. "Issues with step therapy arise when patients who are trying the medications mandated by their insurance company suffer adverse health effects because they are unable to take the medicine prescribed by their doctor," she said. "Patients oftentimes are forced to take several drugs before they can take the physician prescribed medication which, in some cases, may prolong the illness or make it worse if the medication taken during the step therapy protocol is ineffective."

Sen. Bob Hackett (R-London) asked if the bill included generic drugs, which are usually less expensive but are essentially the same, just under a different name. Sen. Lehner said she would check to make sure the language would not affect that, but that the bill is designed to deal with requirements to try different drugs.

Sen. Hackett also said he was concerned the bill would cause increases in drug costs.

"Is it wrong to try the cheaper alternative first when they're not sure what's going to work?" he said.

Sen. Lehner said the goal is not to eliminate the practice, but instead to ensure it is more transparent and that there are safeguards in place to protect patients.

"The principles behind step therapy make sense, particularly when we have new drugs coming on the market all the time, we have advertising for those drugs, people trying to push you more toward expensive drugs," she said.

Sen. Tavares said the goal was to improve care.

"I think the other premise that we need to stay focused in on is this whole notion of patient-centered medical care," she said. "We're really trying to get the best medications so we can get the best outcomes."

**Subscribers Note:** Full testimony is available at the committee's website under Feb. 21.

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger,  
Jon Reed, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

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## House Activity for Tuesday, February 21, 2017

### INTRODUCED

**HB 71** ■ **LICENSE PLATE DISPLAY** (DeVitis, T.) To specify that failure to display a license plate on the front of a motor vehicle that is required to display a front license plate is a secondary traffic offense and to establish a maximum fine of \$100 for such an offense. Am. 4503.21 and 4511.043

**HB 72** ■ **STEP THERAPY** (Johnson, T., Antonio, N.) To adopt requirements related to step therapy protocols implemented by health plan issuers and the Department of Medicaid. Am. 5167.12 and to enact sections 3901.82, 3901.821, 3901.822, 3901.823, 5164.7512, 5164.7513, and 5164.7514

**HB 73** ■ **PHARMACY SALES** (Rezabek, J., Koehler, K.) To prohibit sales of dextromethorphan without a prescription to persons under age 18. Am. 2925.62

**HB 74** ■ **COLLEGE SAVINGS** (Huffman, S., Gavarone, T.) To increase the maximum income tax deduction for contributions to the state's 529 college savings program from \$2,000 to \$3,000 per beneficiary per year. Am. 5747.70

**HB 75** ■ **PROFESSIONAL LICENSES** (Gavarone, T., Merrin, D.) To establish an expedited process to grant a professional license to an individual who is on active duty as a member of the armed forces of the United States, or is the spouse of such an individual, and holds a valid license in another state. Am. 5903.01, 5903.03, and 5903.04

### CALENDAR FOR COMING SESSION

**HB 9** ■ **TRAFFIC SIGNALS** (Koehler, K.) To specify that the alternative protocol for proceeding into an intersection with malfunctioning traffic lights due to a failure of a vehicle detector applies only to bicycles.  
Gongwer Coverage

**HB 16** ■ **ROAD NAMING (Cera, J.)** To designate a portion of State Route 43 in Jefferson County as the "Army Corporal Carl H. Bernhart Memorial Highway."

**HB 22** ■ **ROAD NAMING (Hambley, S.)** To designate a portion of State Route 261 in Medina and Summit Counties as the "Sergeant James F. Allen III Memorial Highway."

#### **REFERRED**

#### **Agriculture & Rural Development:**

**HB 62** ■ **WATER QUALITY (Patterson, J., Sheehy, M.)** To require the Director of Agriculture to adopt rules establishing the Ohio Water Quality Improvement Program, to exempt land enrolled in the Program from taxation, and to reimburse local taxing units for revenue lost due to that exemption.

#### **Community & Family Advancement:**

**HB 64** ■ **RECORD EXPUNGEMENT (Schuring, K., Reece, A.)** To provide for the expungement of official records related to the apprehension, arrest, criminal charging, or trial of a person based on mistaken identity.

#### **Criminal Justice:**

**HB 56** ■ **HUMAN TRAFFICKING (Dever, J., Gavarone, T.)** To permit a person who is found not guilty or is the defendant in a dismissed case to apply for an expungement of the person's records in the case if the complaint, indictment, or finding of not guilty resulted from the applicant having been a victim of human trafficking, to permit a person convicted of certain prostitution-related offenses to apply for the expungement of any record of conviction of an offense, with certain exceptions, if the person's participation in the offense was a result of having been a victim of human trafficking, and to authorize intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution.

**HB 63**

**PRISON TERMS** (Hughes, J.) To require an additional prison term for felonious assault of 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, or 20 years if the offender also is convicted of a specification that charges that the harm caused by the violation resulted in a permanent, serious disfigurement or substantial incapacity or that the offender used an accelerant in committing the violation and to name the act's provisions "Judy's Law."

**HB 68**

**VOYEURISM** (Anielski, M.) To include an impaired person as a potential victim of voyeurism, to include conduct involving an impaired person within the offenses of pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, and illegal use of a minor in a nudity-oriented material or performance, and to prohibit an owner, operator, administrator, or employee of a care facility from creating, sharing, reproducing, or publishing any image of a care facility resident without a proper purpose and without prior written consent from the resident.

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### Economic Development, Commerce & Labor:

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**HB 57**

**DOMESTIC STEEL** (Boccieri, J., Ramos, D.) To require the use of domestic steel in construction, repair, or improvement projects involving certain buildings used by public schools, state institutions of higher education, and specified private colleges.

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### Financial Institutions, Housing & Urban Development:

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**HB 67**

**JUDGMENT CONFESSIONS** (Young, R.) To prohibit a person from obtaining a confession of judgment from another person except in connection with the settlement of a dispute.

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### Government Accountability & Oversight:

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**HB 70**

**FUEL TAX DISPLAYS** (Merrin, D.) To enact the "Fuel Tax Transparency Act" requiring stickers to be placed on retail service station pumps displaying the rates of federal and state taxes applicable to gasoline and diesel fuel.

## **Higher Education & Workforce Development:**

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**HB 58** CURSIVE HANDWRITING (Brenner, A., Slaby, M.) To require instruction in cursive handwriting.

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**HB 66** TENURED FACULTY (Young, R.) To require permanently tenured state university or college faculty members to teach at least three credit hours of undergraduate courses per semester.

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## **State & Local Government:**

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**HB 54** REVENUE OBLIGATIONS (Blessing, L., Gavarone, T.) To authorize the Treasurer of State to issue revenue obligations of the state for the purpose of making loans to qualifying public entities for their acquisition of permanent improvements through the Treasurer of State's purchase of public obligations of those qualifying entities.

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**HB 59** DAY DESIGNATION (Leland, D., West, T.) To designate October 7 as "Moses Fleetwood Walker Day."

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**HB 65** SANITARIAN REVIEWS (Hill, B.) To require the Director of Agriculture and the Director of Health to adopt rules governing reviews of registered sanitarians and sanitarians-in-training who conduct inspections of retail food establishments and food service operations.

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**HB 69** TIF DISTRICTS (Cupp, R.) To require reimbursement of certain township fire and emergency medical service levy revenue forgone because of the creation of a municipal tax increment financing district.

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## **Transportation & Public Safety:**

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**HB 55** ROAD NAMING (Rogers, J.) To designate a portion of State Route Two in Lake County as the "Lcpl Bret M. Poklar Memorial Highway."

**HB 60**

**DRIVER'S LICENSES** (Hambley, S., Rogers, J.) To authorize the issuance of an enhanced driver's license, enhanced commercial driver's license, and enhanced identification card to facilitate land and sea border crossings between the United States and Canada and Mexico, pursuant to an agreement with the United States Department of Homeland Security.

### Ways & Means:

**HB 61**

**SALES TAX** (Johnson, G., Kelly, B.) To exempt from sales tax the sale of tampons and other feminine hygiene products associated with menstruation.

### HOUSE SPEAKER'S APPOINTMENTS

Joint Medicaid Oversight Committee: Representatives Antonio and Sykes.

### COMMITTEE HEARINGS

#### Finance

**HB 26**

**TRANSPORTATION BUDGET** (McColley, R.) To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of those programs.  
**(CONTINUED-SUBSTITUTE** (See separate story); 4th Hearing-Possible substitute)

**Subscribers Note:** Full testimony is available on the [committee's website](#) under Feb. 21. **Ways & Means**

**HB 15**

**ABANDONED MINES** (Cera, J.) To credit a portion of the revenue derived from the kilowatt-hour tax to the Abandoned Mine Reclamation Fund, the Acid Mine Drainage Abatement and Treatment Fund, and the Mine Safety Fund and to make other changes to the use of money in those funds.  
**(CONTINUED;** 1st Hearing-Sponsor)

**Rep. Jack Cera** (D-Bellaire) said his bill would "support abandoned mine reclamation, promote mine safety and encourage the employment of laid-off mine workers."

His bill creates a new revenue stream for mine reclamation because, he said, "While the amount of funding is on the decline, a sizeable number of sites in Ohio still need to be reclaimed."

"Under HB15, 3% of funds from the Kilowatt Hour Tax Receipts Fund will be allocated to abandoned mine reclamation and acid mine drainage abatement and treatment. The legislation also calls for earmarking an additional 0.75% of the Kilowatt Hour Tax to the Mine Safety Fund to help with safety training for existing coal miners and for the operation of the Mine Training Center," Rep. Cera explained.

"The kilowatt hour tax generates about \$450 million per year which goes to the GRF. This bill then would add about \$13.5 million to the reclamation work and about \$3.3 million for mine safety. The \$13.5 million would just about double what is available for the federal government for reclamation and allow a funding source to be in place in case that money dries up."

The bill also requires the Department of Natural Resources to develop a bidding process "that encourages the hiring of dislocated coal miners by companies contracted to complete mine reclamation work."

Rep. Cera said that by restoring more sites, the new program could help improve "land and water resources adversely affected by pre-law coal mining practices, especially in eastern Ohio."

"This proposal is a win-win when it comes to addressing some of the critical economic and environmental problems faced by communities in the coal-producing area of the state," the sponsor concluded. "This bill will help address funding problems for reclamation work, while also helping put displaced miners back to work."

#### **Financial Institutions, Housing & Urban Development**

**HB 10** **CROWDFUNDING (Arndt, S.)** To permit intrastate equity crowdfunding under certain circumstances. (CONTINUED; 1st Hearing-Sponsor)

Sponsor **Rep. Steven Arndt** (R-Port Clinton) said the bill would support entrepreneurs by enabling intrastate crowdfunding as authorized in federal legislation.

"H.B. 10 keeps Ohio competitive by providing another means or tool that invites and supports investment in Ohio and our communities," he said. "One could also argue it could be a driver to capitalize on the investment we have made in higher education, further research and development in addition to addressing the so called 'brain drain' phenomenon."

The proposal would create the Ohio-Invests crowdfunding platform, providing a way for entrepreneurs to introduce their businesses to Ohioans and allow them to seek investments from others around the state.

The bill also allows port authorities and community improvement corporations to act as intermediaries in the crowdfunding system, he said.

"Crowdfunding is certainly not for every investor or for every business venture but it certainly has its place when it is necessary to raise capital or equity as part of securing traditional financing," he said.

**HB 35** **BANKING LAW (Hughes, J.)** For the purpose of enacting a new banking law for the State of Ohio. (CONTINUED (See separate story); 2nd Hearing-Proponent)

#### **Criminal Justice**

**HB 30** **PRISON TERMS (Koehler, K.)** To require an additional prison term of 3 to 8 years for an offender who is convicted of or pleads guilty to a felony offense of violence if the offender is convicted of or pleads guilty to a specification that the victim suffered permanent disabling harm and that the victim was under 6 years of age at the time of the offense. (CONTINUED (See separate story); 2nd Hearing-Proponent)

**HB 38** **AGGRAVATED MURDER (Greenspan, D.)** To provide that purposely causing the death of a first responder or military member is aggravated murder and to require an offender to serve the prison term imposed for felonious assault on a peace officer, investigator, first responder, or military member consecutively to the prison term imposed for any related offense. (CONTINUED (See separate story); 1st Hearing-Sponsor)

**HB 6** **CRIMINAL RECORDS (Barnes, J.)** To prohibit a person who publishes or disseminates criminal record information from soliciting or accepting a fee to remove, correct, modify, or refrain from publishing or otherwise disseminating the information and to provide criminal and civil remedies for a violation of the prohibition. (CONTINUED; 2nd Hearing-Proponent)

The legislation to prohibit the collection of fees for removing criminal record information from a publication garnered the support of Cleveland Municipal Court Clerk Earle Turner.

He told the panel in written testimony that the legislation "can reduce or eliminate the spread of inaccurate information."

"Because of open records laws, the City Law Department has determined that we cannot deny private companies access to our criminal data base. So we are in a position of passing on to companies hundreds of thousands of criminal records. Those records reflect the status of cases on a specific date," he said.

"However, case status can change over time. If any case is sealed, or if some adjustment is made in the record at our office, those changes are not reflected in the record previously sent to a company."

Dennis Hetzel, president and executive director of the Ohio News Media Association, also praised the bill, saying it achieves a balance between providing access to public records and not permitting private organizations to profit from those records.

"The challenge in legislation such as this is to address the undesirable practice without colliding with our open records law and the underlying constitutional rights of freedom of speech and freedom of the press guaranteed by both the U.S. and Ohio constitutions. This concept is critical to the criminal justice system. Records that result from arrests and investigations must remain public," he said in written testimony.

**Subscribers Note:** Full testimony is available on the [committee's website](#) under Feb. 21, State & Local Government

**HB 12** **OFFICIAL STATE STRUCTURE (Gonzales, A.)** To designate the barn as the official historical architectural structure of the state. (3rd Hearing-All testimony-Possible vote)

Anna Borders, Sarah Gellner, Danielle Ingram, Rachel Kaufman and Adriane Thompson, all former Genoa Middle School students, urged the panel to support the measure.

The students said a research project has led them to review barn history, and it became clear that all types of barns should be celebrated for their role in the state's economic, historic and cultural development. They told the panel that many barns are in danger of demolition because of advancements in farm technology. They said, however, a number of barns can be updated for continued farming use.

- HB 31** **GOVERNMENT CONTRACTING** (Cupp, R.) To abolish the Government Contracting Advisory Council. (CONTINUED; 3rd Hearing-All testimony-Possible amendment)
- HB 39** **SNOW REMOVAL** (Arndt, S., Gavarone, T.) To authorize certain townships to require the removal of snow and ice from sidewalks abutting property. (CONTINUED; 1st Hearing-Sponsor)

Rep. Steven Arndt (R-Port Clinton) said the bill's primary goal is to give townships the ability to maintain safe environments for pedestrians by allowing them to remove snow and ice from certain properties.

"Furthermore, most of the townships that have high snowfall are high in population, with some very urban in nature, like Perkins Township in Erie County near Sandusky," he said. "These townships, both urban and rural, have abutting roadways with high vehicle speeds where the only separation between the pedestrians and the motoring public is a sidewalk. Oftentimes, this is the only means in which to insure the safety of the pedestrians from the motorists. This bill will help with speed regulations on motorists so that the walking public is not placed in needless danger."

- HB 40** **STATE SPENDING** (Dever, J., Greenspan, D.) To require the Treasurer of State to establish the Ohio State Government Expenditure Database. (CONTINUED; 1st Hearing-Sponsor)

Rep. Jonathan Dever (R-Cincinnati) and Rep. Dave Greenspan (R-Westlake) detailed the measure that they said would codify the existence of a state government database. "Ohioans should know how the state is spending their hard-earned money," the lawmakers said in sponsor testimony. "You may recall that in 2014 Ohio was ranked among other states as 46th in terms of transparency in government spending by the U.S. Public Interest Research Group. As a result, in December 2014, under existing authority, Ohio Treasurer Josh Mandel unveiled [www.ohiocheckbook.com](http://www.ohiocheckbook.com). The website is an easily accessible, searchable database of state expenditures for our taxpayers to hold state government accountable for spending."

The sponsors said the current site, which is well-regarded, could be taken down by a future state treasurer. "House Bill 40 will ensure that future treasurers, regardless of political affiliation or commitment to transparency, maintain this important tool that already is providing more accountable government to our state's residents. In fact, less than one year after the website's activation, Ohio moved from 46th in the country to 1st for transparency in government spending," they said.

- HB 51** **AGENCY REVIEWS** (Faber, K.) To require standing committees of the General Assembly to establish a schedule for the periodic review and sunset

of state departments that are currently in the Governor's cabinet, and to require that Auditor of State performance audits be scheduled to coincide with the periodic review. (CONTINUED; 1st Hearing-Sponsor)

Rep. Keith Faber (R-Celina) said the bill would establish a new process through which state agencies would go before the legislature every four years to continue their operations.

"Currently, the legislature has the power of the purse over state agencies," he said.

"Historically our review of state agencies is done within the budget process. Budget time constraints make this task difficult."

"Under HB51, every agency will be evaluated under a series of performance factors and customer service standards every four years by standing committees to ensure that our government is operating at 21st Century efficiency levels and not creating an undue burden on taxpayers of Ohio," he said.

"HB51's purpose is to protect the taxpayers of our state from waste, to reassert legislative authority and make state government more efficient, and to empower Ohioans to prosper. These should be the goals of all state legislators."

### **Community & Family Advancement**

HB 36 **MARRIAGE CEREMONIES** (Vitale, N.) To provide that an ordained or licensed minister or religious society is not required to solemnize a marriage and a religious society is not required to allow any building or property of the religious society to be used to host a marriage ceremony if the marriage does not conform to the ordained or licensed minister's or religious society's sincerely held religious beliefs, to provide that an ordained or licensed minister or religious society is not subject to civil or criminal liability for such a denial, and to provide that the state and political subdivisions may not penalize or withhold benefits to an ordained or licensed minister or religious society for such a denial. (CONTINUED (See separate story); 3rd Hearing- All testimony-Possible vote)

### **Economic Development, Commerce & Labor**

HB 2 **CIVIL RIGHTS LAWS** (Seitz, B.) To modify Ohio civil rights laws related to employment. (CONTINUED (See separate story); 2nd Hearing-Proponent)

HB 42 **UNSAFE TIRES** (Sprague, R., DeVitis, T.) To prohibit the installation of unsafe used tires on certain motor vehicles. (CONTINUED; 1st Hearing-Sponsor)

Rep. Robert Sprague (R-Findlay) and Rep. Anthony DeVitis (R-Green) said their bill would prohibit the installation of unsafe used tires on vehicles operating on public roadways.

Violators would face a fine of no more than \$1,000.

Rep. DeVitis praised the state's long history of tire manufacturing. He said that although Ohioans can't legally drive with unsafe tires, there's nothing in law prohibiting the installation of those tires.

Rep. Sprague outlined definitions in the bill to define unsafe tires. They are: worn to 2/32 of an inch tread depth or less; with any damage exposing the innards of the tire; a puncture that

has not been both sealed or path; and with evidence of temporary tire sealant but no evidence of repair.

"Under this legislation, installing an 'unsafe used tire' may be considered an unconscionable consumer sales act," Rep. Sprague said. "The requirements of the bill do not apply to temporarily removing tires from a vehicle and reinstalling them on the same vehicle."

**Rep. Alicia Reece** (D-Cincinnati) questioned who the bill would hold negligent: the seller or the manufacturer. Rep. Sprague said the bill would hold the business owner of the business that installed the tire responsible. The standard would be negligence, not strict liability, he said.

Responding further to Rep. Reece, Rep. Sprague said a consumer would contact the attorney general's office to trigger collection of the bill's fine and would not be forced to hire his or her own attorney.

Answering **Rep. Michael Sheehy** (D-Oregon), Rep. Sprague said other states prohibit drivers from operating on unsafe tires but he's unaware of a state with law akin to what the bill proposes.

Rep. Sheehy also questioned what would happen if a driver purchased used tires and installed them him or herself. Rep. Sprague acknowledged that scenario may be a workaround of the bill's intent. He added the bill presents a "minimum standard" that will not affect tire supply.

Upon further questions, the sponsors said only passenger vehicles would be impacted by the bill and they expressed openness to a suggestion from **Rep. Michele Lepore-Hagan** (D-Youngstown) to consider recycling as a component of the bill given the potential for more tire waste.

Rep. Reece expressed concern over how the bill might impact insurance rates and whether smaller tire shops will be included in the conversation. Chairman **Rep. Ron Young** (R-Leroy) said an interested party meeting on the bill was scheduled to take place Tuesday afternoon and would include representatives of smaller shops.

**Subscribers Note:** For full testimony see the [committee's website](#) under Feb. 21.

#### **Federalism & Interstate Relations**

Peter Shane, a professor of law at Ohio State University's Moritz College of Law, told the panel that federalism, along with the separation of powers, is one of the two key organizational principles of the U.S. Constitution.

Key among the them are the Supremacy Clause, which declares the supremacy of federal laws, and the Tenth Amendment, which reserves rights for the states.

"But the sparse text of the Supremacy Clause and the Tenth Amendment-along with the founding generation's decision to vest in Congress the authority to regulate interstate commerce-have themselves been enough to generate a vast and complex body of law, which has bedeviled many a generation of law student, to be sure," he said.

He touched on Congressional authority regarding state regulation, the body's ability to guide state practices through federal funding, the limits on state ability to impact interstate commerce and the ways Congress can preempt state law.

Mr. Shane said Americans' lives are more interconnected across state lines than the founders could have predicted. "It is encouraging to see our General Assembly so engaged

in the challenging task of maintaining the advantages of federalism, even as new technologies and national needs draw Americans closer together," he said.

Asked by Chairman Rep. Kristina Roegner (R-Hudson) about the possibility of invoking Article V of the U.S. Constitution to form a convention of states in an effort to try and gain more power from the federal government, Mr. Shane called it unprecedented and noted it has not occurred since 1787.

He also warned that there is the possibility of a "runaway convention" that could result in outcomes less than favorable to the states.

"It's entirely unclear whether such a convention could be legally limited to any one topic," he said.

Daniel J. Dew, criminal justice fellow for the Buckeye Institute for Public Policy Solutions, said federalism is an important concept that has been eroded over time.

Federalism, he said, implements the balance of separated powers, noting that today's political climate shows the importance of state sovereignty.

"We see fundamental differences of opinion from state to state on the proper role, scope, and interests of government-whether state or federal," Mr. Dew said. "Californians, for example, do not want Oklahomans or Alabamans dictating policy for California - and the feeling is almost certainly mutual - just as we would never want that 'state up north' dictating policy for the great state of Ohio."

"Federalism is that unique system of sovereignty and power that protects the people of one state from the dictated policy preferences of another. It allows those governments closest to the people to determine the policies that impact daily life - at least that's how it was designed."

He said, however, the concept has been eroded over the course of time, in large part by court decisions that tended to increase the scope of federal power.

"In the late 1930s and early 40s, under tremendous pressure from President Roosevelt, the Supreme Court began taking a broader perspective of the scope of federal power," he said. "In so doing, the Court radically redrew the lines between 'local' and 'national' interests, and shifted the delicate balance of power and sovereignty in Washington's favor."

He said the Commerce Clause has also become a key factor in limiting state authority, and said efforts to direct state policies through the delivery of federal funds has hampered state rights.

"That offer typically involves Congress sending states vast sums of federal money in exchange for states doing what Congress is not otherwise authorized to do," he said. "For example, Congress's once-popular but now widely-criticized Crime Bill of 1996 offered money to states if they would increase prison sentences for those convicted under state law. Here, Congress inserted itself into local criminal justice matters that had been traditionally - and for good reason - left entirely to the state and local authorities. The money, however, was too much to resist and many states obediently rewrote their criminal statutes in order to take Uncle Sam's cash."

Mr. Dew said it will be important for states to defend state sovereignty against federal actions.

"Regrettably, such resistance will likely need to become the norm and not the exception if Ohio and her sister states are to restore the rightful balance of constitutional power," he said. "And you, serving as the legislature, will also need to join the fight."

"In the last session, the General Assembly stood up for Ohio by limiting federal efforts to circumvent protections that you extended your constituents through civil asset forfeiture reform. You wisely closed a loophole in the federal Equitable Sharing program that had allowed law enforcement to evade state restrictions on civil forfeiture and take property from those who had never even been charged with a crime. But more than just closing loopholes, you can actively resist the temptation to take federal dollars that Congress offers to entice Ohio to do its bidding. As we all know, those dollars inevitably dry-up and all that's left are growing piles of red-tape and state debt. By resisting the siren song of Congress, Ohio can once again begin to safeguard her own sovereign, political interests."

**Rep. John Becker** (R-Union Twp.) lamented the role that courts have played in the struggle of power between the states and the federal government since *Marbury v. Madison*. "They are the ones that are ruling over everybody and everything all the time," he said, as he went on to ask what the states can do to push back short of secession.

Mr. Dew again encouraged the state to push for its supremacy through the courts, adding that judges of both parties have played a role in eroding federalism.

**Rep. Wes Goodman** (R-Cardington) questioned Mr. Dew on the idea of adding a constitutional authority statement to each piece of legislation introduced in the General Assembly.

"I think that it's good in theory but it may be problematic in practice," he said, adding that "reasons can be made up."

**Subscribers Note:** Testimony is available on the [committee's website](#) under February 21.

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